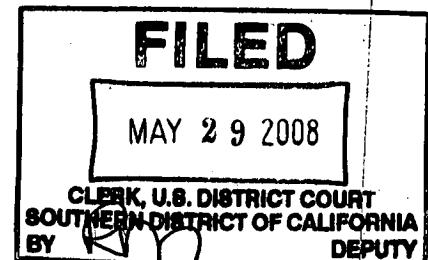
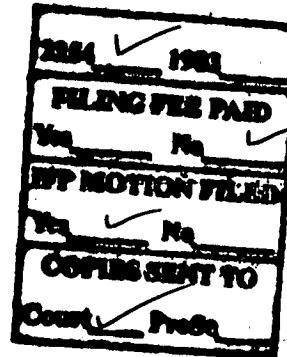


NAME

PRISON NUMBER

CURRENT ADDRESS OR PLACE OF CONFINEMENT

CITY, STATE, ZIP CODE



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TED DARNELL DANIELS
(FULL NAME OF PETITIONER)

PETITIONER

v.

V. Almager, Warden,
(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER (E.G., DIRECTOR OF THE CALIFORNIA DEPARTMENT OF CORRECTIONS))

&
James Tilon, Director, **RESPONDENT**
and

Jerry Brown, Attorney General,
The Attorney General of the State of California, Additional Respondent.

'08 CV 0961 IEG NLS

Civil No

(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2254
BY A PERSON IN STATE CUSTODY

1. Name and location of the court that entered the judgment of conviction under attack:
San Diego Superior Court
2. Date of judgment of conviction: **7/27/01**
3. Trial court case number of the judgment of conviction being challenged: **SDC-149951**
4. Length of sentence: **55, to life a Three Strike Sentence**

5. Sentence start date and projected release date: 3/22/00 to 2053
6. Offense(s) for which you were convicted or pleaded guilty (all counts): second degree P.C.459, and three count of assault the weapon being a vehicle P.C.245,(a)(1), and Evading an Officer,V.C.2800.2, they further found one possible Strike Felonies which is the subject of this Petition.
7. What was your plea? (CHECK ONE) (see Exhibit "A", P.29)
- (a) Not guilty
 - (b) Guilty
 - (c) Nolo contendere
8. If you pleaded not guilty, what kind of trial did you have? (CHECK ONE)
- (a) Jury
 - (b) Judge only
9. Did you testify at the trial?
- Yes No
- DIRECT APPEAL**
10. Did you appeal from the judgment of conviction in the California Court of Appeal? Yes No
11. If you appealed in the California Court of Appeal, answer the following:
- (a) Result: Affirmed
 - (b) Date of result (if known): 2/26/03
 - (c) Case number and citation (if known): D038444
 - (d) Names of Judges participating in case (if known): Justice Kremer and Associate Justices Huffman and McIntyre.
 - (e) Grounds raised on direct appeal:
Insufficient evidence to support assault w/deadly

12. If you sought further direct review of the decision on appeal by the California Supreme Court (e.g., a Petition for Review), please answer the following:
- (a) Result: on Direct Affirmed / Petition for Review,
 - (b) Date of result (if known): 5/14/03
 - (c) Case number and citation (if known): S114808
 - (d) Grounds raised: (1) Insufficient evidence to support assault w/deadly

13. If you filed a petition for certiorari in the United States Supreme Court, please answer the following with respect to that petition:
- Result:
 - Date of result (if known):
 - Case number and citation (if known):
 - Grounds raised:

COLLATERAL REVIEW IN STATE COURT

14. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Superior Court?

Yes No

15. If your answer to #14 was "Yes," give the following information:

- California Superior Court Case Number (if known): SDC 149951
- Nature of proceeding: Motion For Modification of Sentence and Petition of Habeas Corpus,
- Grounds raised: (1) Ineffective Assistance of Trial and Appellate Counsel. (2) The issue as this petition, The Sentencing Statute Does Not Permit The Sentence Give By Trial Judge, (3) and was Denied process, because Trial Court Did Rely on Inaccrate And unreliable Information In Sentencing.
- Did you receive an evidentiary hearing on your petition, application or motion?
 Yes No
- Result: considered by Presiding Judge A.T. Harutunian III, and denied.
- Date of result (if known): Ground, (1) IAC, is the Petition, in 12/7/04, and ground (2) and (3) was the Modification Motion in 4/10/08, was denied, because the Court no longer has Juisdiction to consider Motion.

16. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Court of Appeal?

Yes No

9/13/07 number D051173, considered by Justices , That the Petition is procedurally barred because it is untimely and petitioner has not established an exception to the procedural bar. (In re Clark (1993) 5 Cal. 4th 750, and To the extent petitioner relies on Cunningham v. California (2007) 127 S.Ct.856, the petition is denied because Cunningham does not apply retroactively to cases such as petitioner that were final when Cunningham was decided.

(see Exhibit "A", P.41)

17. If your answer to #16 was "Yes," give the following information:

- (a) California Court of Appeal Case Number (if known): D051173,
- (b) Nature of proceeding: Petition for Writ of Habeas Corpus
- (c) Names of Judges participating in case (if known) Huffman, Haller and O'Rourke.
- (d) Grounds raised: The Trial Court Violated The prohibition Against Ex-Post Facto Laws as Applied To Appellant's Appellant's Prior Offenses In 1983, They were Not Serious Felonies Unless Appellant Personalized A Weapon or Inflicted Great Bodily Injury.
- (e) Did you receive an evidentiary hearing on your petition, application or motion?
 Yes No
- (f) Result: Justices denied.
- (g) Date of result (if known): 9/13/07

18. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions (e.g., a Petition for Writ of Habeas Corpus) with respect to this judgment in the California Supreme Court?

Yes No

19. If your answer to #18 was "Yes," give the following information:

- (a) California Supreme Court Case Number (if known): S130029 / S157533
- (b) Nature of proceeding: Petition for Writ of Habeas Corpus

(3/2/05)

(c) Grounds raised: Ineffective Assistance of Trial and Appellate Counsel.
 (4/23/08) The Sentencing Statute Does Not Permit The Sentence Given By Trial Judge, And That Sentencing Statute Permitting The Sentence By The State Is Unconstitutional Invalid. and (2) and was Denied process, because Trial Court Did Rely on Inaccurate And Unreliable Information In Sentencing

(d) Did you receive an evidentiary hearing on your petition, application or motion?

Yes No

(e) Result: Denied, (3/23/05) and (4/23/08, denied with a one liner.)

(f) Date of result (if known): 3/23/05 and 4/23/08,

(see Exhibit "A", P. 43, 44,)

20. If you did ***not*** file a petition, application or motion (e.g., a Petition for Review or a Petition for Writ of Habeas Corpus) with the California Supreme Court, containing the grounds raised in this federal Petition, explain briefly why you did not:

COLLATERAL REVIEW IN FEDERAL COURT

21. Is this your **first** federal petition for writ of habeas corpus challenging this conviction?

Yes No (If "YES" SKIP TO #22)

- (a) If no, in what federal court was the prior action filed? That Court Southen District
 (i) What was the prior case number? 04-CV-1637-DMS-(WMC)
 (ii) Was the prior action (CHECK ONE):
 Denied on the merits?
 Dismissed for procedural reasons?
 (iii) Date of decision: 1/9/07
 (b) Were any of the issues in this current petition also raised in the prior federal petition?
 Yes No
 (c) If the prior case was denied on the merits, has the Ninth Circuit Court of Appeals given you permission to file this second or successive petition?
 Yes No

(see Exhibit "A", 27 to 38)

CAUTION:

- **Exhaustion of State Court Remedies:** In order to proceed in federal court you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. This means that even if you have exhausted some grounds by raising them before the California Supreme Court, you must first present *all* other grounds to the California Supreme Court before raising them in your federal Petition.
 - **Single Petition:** If you fail to set forth all grounds in this Petition challenging a specific judgment, you may be barred from presenting additional grounds challenging the same judgment at a later date.
 - **Factual Specificity:** You must state facts, not conclusions, in support of your grounds. For example, if you are claiming incompetence of counsel you must state facts specifically setting forth what your attorney did or failed to do. A rule of thumb to follow is — state who did exactly what to violate your federal constitutional rights at what time or place.
-

GROUND FOR RELIEF

22. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. (e.g. what happened during the state proceedings that you contend resulted in a violation of the constitution, law or treaties of the United States.) If necessary, you may attach pages stating additional grounds and/or facts supporting each ground.

(a) **GROUND ONE:** The Sentencing Statute Does Not Permit The Sentence Give By Trial Judge, And That Sentencing Statute Permitting The Sentence By The State Is Unconstitutional Invalid.

Supporting FACTS:

Because Petitioner's Current Offense was committed before the effective date of Proposition 21, became effective as of March 8, 2000, at 12:01, a.m., making Petitioner's one and only secon-degree Purse snatching robberies ripe for the "Three Strikes Law", as amended as such that "any and all robberies - including unarmed second-degree and "Estes type robbery" can now be alleged as Strikes in a Prosecutions for offenses committed on or after March 8, of 2000, .

Therefore, The Trial Court applied the change in the Law retroactively making the punishment for unarmed robberies more onerous, by substantially lengthening Petitioner's Prison term from the maximin exposure of 17,years to 55,years to Life, that disadvantaged Petitioner and violated the prohibition against *ex-post-facto* punishment! A invalid sentence obtained in violation of procedural guarantees protected against State invasion through the Fourteenth Amendment, was rendered in violation of due process. (see attached, POINTS AND AUTHORITIES IN SUPPORT OF PETITION

The Fourteenth Amendment Due Process clause has been interpreted by the United States Supreme Court as making most of the first ten amendments' protections apply to state govenment actions.

Did you raise GROUND ONE in the California Supreme Court?

Yes No.

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition):
- (2) Case number or citation: S157533 / Petition
- (3) Result (attach a copy of the court's opinion or order if available): (see attach "A", P.43,

(b) **GROUND Two:**

Petitioner's was Denied Due Process,
Because Trial Court Did Rely on Inaccrate And
Unreliable Information In Sentencing

Supporting FACTS:

The Trial Court's sentence was based on untrue and unreliable information information admitted during the sentencing phase in violation of his due process rights. Here, where in this case, Judge at sentencing of July 27, 2001, expressed her belief of Petitioner's "guilt", based on her reading of Inaccurate and -- unreliable information the uncertified copies of People Exhibit number (4), That was received by Court July 20, 2001, (see Exhibit "A" PT4), That Petitioner's had onec live and Peroled in the City of San Diego in (1992), that is what the Department of Corrections Documents indicate.

(Declare)

5-25-08

I Petitioner Ted D.Daniels, declare under the Laws and penalty of perjury of the United State of American, that the foregoing is "NOT TRUE". I Petitioner have never lived or Paroled" in the City of San Diego, Ted D. Daniels

Here, in it self from the People other Exhibit number 33, from 84, pages of the Clerk Transcript the record of Department of Corrections, Chronological History that serve as a close and persistent tracking of Parole, here on page-218, That fact that I Petitioner's in 1992, Paroled to the City Long Beach "Region two. (see attached Exhibit "E" page 218,) (915 F.2d, 1396.9th.Cir.)

Did you raise GROUND Two in the California Supreme Court?

Yes No.

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition):
- (2) Case number or citation: S157533 / same Petition
- (3) Result (attach a copy of the court's opinion or order if available):

(c) **GROUND THREE:**

**The Three Strikes Law
Is Unconstitutional Applied
To Petitioner's Case.**

Supporting FACTS: Petitioner's purse snatching **strong-unarmed robbery** "Do not have" the "extra" element to prove the missing **assaultive** element of Robbery which make a prior a Strike,. The Trial Judge relies entirely upon the Preliminary hearing and a piece of a certain old Court record with a minor amignity in the charging documents, but excluded the transcript of the ensuing trial (see Exhibit "Q"), even though the trial had resulted in Petitioner's being found guilty of second degree robbery, the victims did not claim physical injury at the ensuing Trial, merely, that the purse handle snapped off.

Did not pass the "reliable reflection" the test of Reed? 13 Cal.4th 217, to prove the missing assaultive element of Robbery which make a prior a Strike,

Such as Assault and Burglary these Penal Code convictions include differeet degree including both Strike offense, and not strike offense, even if the Prior convictions has the same name, like Assault or Burglary therefore, the State much prove that the prior is the Strike type, instead of the non-strike type dispite of the Prior having the same name or being called prior conviction.

Assault § 245 (a)(1), In People v.Rodrequez (1998) 17 Cal.4th 253 at 261, the Court held: one may violate § P.C. 245 (a)(1), Assault in two ways that would not qualify as a serious felony: under § P.C. 1192.7,(c).

Such as and Burglary the Residential nature of a Burglary, or whether an Assault invalved personal Weapon use. However, Assault by means of force likely to produce GBI, also included in Penal Code § 245 (a)(1), is not a felony Strike.

Robbery is a Reference to a Statute, not a description of conduct, is not a enough to show that Petitioner's violated the Statute in a way which defind a Strike, Because Assault is an included element of Robbery, 50 Cal.App.4th 759, The Court held robbery is both assaultive and larcenous: 35 Cal.App. 264. The

Did you raise GROUND THREE in the California Supreme Court?

Yes No.

If yes, answer the following:

- (1) Nature of proceeding (i.e., petition for review, habeas petition): Habeas Petition
- (2) Case number or citation: S157533
- (3) Result (attach a copy of the court's opinion or order if available):

Supporting FACTS: --- Court held: Robbery is a compound felony which includes all elements of both theft and assault.

By making all Robbery serious or violent they also violated the Federal Constitution as determined by the U.S. Supreme Court, Because it relieve the Prosecution of it burden of proving beyond a resonable doutd that the force or fear element "Match" the definition of serious or violent assault of 245 (a) (1), with every Robbery that is found to be a Strike.

So to make all Robbery a Strikes Is Unconstitutional, Because can be committed in more than one way, just as Burglary and Assault can. Barnyard and Ramirez 365 F.3d 735 768 (9th. Cir. 2004). (see Exhibit "C",)

Underlying Facts And Charges

At the time of Judgment, an error of facts existed, the fact does not appear in the record and does not involve the merits already tried or admitted by the Petitioner. The facts relied on are dehors the record, and their effect on the sentence was not open to consideration and review on appeal.

Because often the only dispute regarding a prior is whether it Qualifies as a Strike felony, and because that decision was made by the Trial Judge, and not Jury, Therefore, the issue of whether the prior qualified was held in conjunction at the sentencing hearing. And those hearing transcript will be incorporated as facts as they relate to the issues presented for review, with references to the record and transcript or part of Appellate Court Records From (People v. Daniels D038444) And (People v. Daniels B006312)

FACTS

On, 12/28/1999, Petitioner was arraigned and Posted Bail. On March 12, 2000, the Preliminary Hearing was held, petitioner was informed at that time of a 17, years maximin exposure. On March 22, 2000, at the next status conference, The Prosecutor motion the Court for a Bail-increase, because of a change in circumstances, that now it is a Strike case. (see Exhibit "B").

On June 7, 2001, following a Criminal Trial in the San Diego Superior Court a Jury found Petitioner guilty of second degree Commercial burglary P.C.459, and three count of assault with a deadly weapon the weapon being a vehicle P.C.245, (a)(1). and Evading an Officer,V.C. 2800.2,they further found that Petitioner had been convicted of one possible Strike felonies which is the subject of this present Petition. P.C. 667 (b)-(i). Three Strikes Priors P.C. 211 x 2 as Alleged.

That Petitioner was convicted of two counts from the 1983, incident same occasions, count one and two. A Purse snatching strong-unarmed robbery's took place in a restaurant parking lot, there was three (3) defendants and two (2) victims in a parking lot, one (1) defendant snatching a purse from one (1) victim and ran and one (1) other defendant snatch the other victim purse and ran. the third defendant was setting in the car. Here, the Trial Court erred when it just relied entirely upon the prior preliminary hearing transcript.

Instead, the Prosecution seeking an did benefit from certaint old Court record and from a minor amignity in the prior crimes charging documents, from the earlier conviction, but excluded the Transcript of the ensuing Trial.

The Trial Judge relies on statements made out of Court, that the Court had received into evidence on the day of sentencing, that Petitioner has no opportunity to meet. (see Exhibit "D", for Sentencing transcript)

०२

(attach,"1")

1 PROOF THAT PRIOR CONSTITUTES STRIKE FELONY
 2 FOR THE THREE STRIKE LAW

3 In determining whether a prior conviction qualifies as a prior serious
 4 felony conviction, the trier of fact may look to the entire record of the
 5 conviction but no further, People v.Woodell (1998) 17 C4th 448, (Guerrero,44 C
3d at 355, This means the Prosecution may not relitigate the Circumstances of
 6 the prior evidence is limited to the record of the prior. The record of the
 7 conviction has been defined. About the only part of a probation report that is
 8 admissible to prove the conduct involved in the underlying offense is the defen-
 9 dant's own statement, People v.Reed (1996) 13 C4th 217, Not even all transcript
10 of testimony from the record of the prior are admissible. Reed's apprcal of the
11 Preliminary Examintion, Transcript is distinguishable because in Reed the Preli-
12 minary Hearing was followed by a quilty Plea. People v.Houck (1998) 66 C4th 350,

13 The Preliminary Examintion is not a document of conviction where a defendant
14 was convicted in a Jury Trial, Because it is not reliable as to what evidence
15 was presented to, or relied on by the Jury in reaching its verdict".

16 Although the Supreme Court in Maleng 490 US 488,(1989) expressly reserved
17 the issue of whether a prisoner can attack his current sentence by challenging
18 the Constitutionality of an earlier fully satisfied conviction if the earlier
19 conviction was used to enhance his current sentence, at 109 S.Ct.at 1927,

20 Conclusion in Gamble v.Parsons, 898 F.2d 117, follows from the result in
21 Maleng because there the Court allowed the defendant to continue with his habeas
22 action after construing it to be directed at his existing (second) sentence,
23 even though the ultimate question raised was the constitutionality of the prior
24 conviction that was used to enhance the existing sentence. Id. at 118.Maleng
25 stated that an expired conviction cannot be attacked merely because of the
26 Possibility that the prior (expired) conviction will be used to enhance the
27 sentences imposed for any subsequent crimes of which (the Petitioner) is con-
cuted."—490 US. at 492, However, when the possibility has come to pass and a
Petitioner's present incarceration is based in part upon an earlier conviction,
the "in Custody" requirement is satisfied such that the prior conviction may be
challenged in a habeas action, additionally, the district court correctly noted
that a Pro. se Petitioner should be construed liberally, and because Collins
was appropriate to construe his habeas action as challenging his present
confinement even though the essence of his attack was the alleged unconstituti-
onality of the prior predicate convictions.

28

**Standard of Review For State Court
Legal Ruling**

The federal Court reviewed all questions of Law and mixed questions of facts and law de novo. Thompson v.Keohane (1995) 516 US 99, If the Petitioner's claim was adjudicated on the merits in State court, the federal court may grant federal habeas reli only if the decision was contrary to, or involved an unreasonable application of, clearly established federal law as determined by the Supreme Court of the United States, or was based on an unreasonable determination of the facts in light of the evidence presented in the State Court proceeding. 28 USC § 2254 (d)(1). The presumption that the State Court's factual findings are correct may be rebutted only by clear and convincing evidence 28 USC - § 2254 (e)(1), Torres v.Prunty (9th. Cir.2000) 223 F.3d 1103., Hall v.Director of Corrections (9th Cir 2003) 343 F.ed 976, Avila v.Galaza (9th Cir 2002) 297 F.3d 911, If the Petition has failed to develop the factual basis for the claim, the phrase "failed to develop" implies lack of diligence or some other fault on the the part of Petitioner or the Petitioner's attorney. Williams v.Taylor(2000) 529 US 420, Therefore, if the district court concludes that the failure to develop the facts in the State Court is not that of the Petitioner. It next considers whether an evidentiary hearing is appropriate or rquired under Townsend v.- Sain (1963) 372 US 293, . Engle v.Isaac (1982) 456 US 107, But if state law, whether statutory or decisional, creates a lidier interest protected by the federal due process clause, or if the error in interpretation or application of state law is so egregious as to offend federal due process standards, federal habeas relief may be available. Carter v.Kentucky (1981) 450 US.288,.

19 The exhaustion requirement does not apply when state remedies are unavaia-
20 ble or inadequate. 28 USC § 2254 (b)(1)(B), In Engle, if the claims in the
21 Petition cannot be presented to the State Court because they are procedurally
22 barred under State law, they are considered exhausted. Coleman v.Thompson (1991)
23 501 US 722, When a state prisoner has defaulted on his federal claims in state
24 court because of an independent and adequate state procedural rule, federal
25 habeas review of the claims is barred unless the petitioner can demonstrate
 actual Prejudice to the Petitioner's case as a result of the alleged violation
 of federal law, And failure to consider the claims will contenue to result in
 fundamental misscarriage of Justice. Coleman v.Thompson (1991) 501 US 722,

26 Habeas Rules 7, clarify that the record can be expanded in lieu of, or as
27 a complement to, an evidentiary hearing. If a petitioner exercised "diligence"
28 in his efforts to develop the factual basis for the claims in state seeks to

1 add to the record are relevant. Cooper-Smith v.Plamater (9th. Cir. 2005) 397
 2 F. 3d. 1236, 1241. If the Petitioner cannot establish diligence in trying to
 3 develop the record in state Court, the Petitioner must show that the request to
 4 expand the record is allowed under 28 USC § 2254 (e)(2). 397 F.3d at 1241.

5 Under 28 USC § 2254 (e)(2), could not have been previously discovered
 6 through the exercise of due diligence. In Hasan v.Galaza (9th. Cir. 2001)
 7 254 F.3d 1150, 1154, the Ninth Circuit held but the Date on which he became
 aware of facts that allowed him to assert in objective good faith that he was
 Prejudiced by counsel's deficient performance.

8 The court therefore remanded the case to the distrit court to determine
 9 when the petitioner exercising due diligence, could have discovered the facts
 that allowed him to claim prejudice. (see Petitioner's attach Affidavit).

10 Actual Prejudicial And A Fundamental

11 Miscarriage of Justice

12 The Court should consider this Petition, Because the sentence was obtained
 13 in violation of Due Process, a procedural violation which effectively denied the
 14 Petitioner's his fundamental rights under the U.S. Constitution. And if not
 15 consider the Claims will continue to result in a Fundamental Miscarriage of
 16 Justic, by increase Punishment for acts that were committed before the enact -
 17 ment took effect, disadvantaging Petitioner's by substantially lengthening his
 18 Prison term from the Maximin exposure of 17, years by law, without the one and
 19 only Strike felony prior incident, and created a State Trial Court interest to
 enhance a 44, years old man at the time of sentencing to a 55, years to the
 rest of his life, to an indeterminate sentenced, that Petitioner's will be "99",
 20 years old when he does parole, that exceeds the normal life expectancy.
miscarriage of justice. Coleman v.Thompson (1991) 501 US 722,,111 S.Ct 2546.

21 The United States Supreme Court could not have been clearer in stating
 That The Inquiry Is Not Whether A Prisoner Has Engaged In Any Parficular Conduct
 22 But Instead Whether The Objective Consequences Of The Change In The Law Lengthen
 23 The Amount Of Time He Must Spend In Prison. Lynce v.Mathis, suprs (1997) 519
US 433, 117 S.Ct. 891, In re Lomax 78 CR,2d 220 (1998),.

24 Changes In Sentencing Law

25 Sentencing is controlled by the statutes effective on the date of the
 commission of the crime. US. Const art I § 10, Cal. Const art I § a, People v.
Simpson (1986) 186 C.A. 3d 1125,1127, 231 CR,200. Consequently, it is often
 26 necessary for attorneys to be aware of the effective date of new sentencing
 27 legislation so that they can ascertain what sentencing Rules were in effect at

1 the time of the crime . People v.Nava (1996) 47 C.A 4th 1732, 55 CR? 2d 543.
 2 See § 667 (b)-(i)(1996), 667.5 (1996). In Ramirez v.Castro (9th Cir . 2004)
 3 365 F.3d 755, that in (2000) well after Ramirez was convicted and sentenced,
 4 the Three Strikes Law was amended such that "any robbery" is now a "violent "
 5 "felony" for purposes of a Three Strikes sentence. See § 667 (d)(i) (2000), &
 6 667.5.(2000). Note; as a felony listed in Penal Code § 667.5 (c)(violent felony)
 7 or Penal Code § 1192.7,(c) (srious felony) on June 30,1993. see Penal Code §
 8 §667 (h); Proposition,184,§ 2; People v.Nava (1996) 47 C.A. 4th 1732,1 735, 55
 9 CR,2d 543. Proposition 21, enacted March 7,2000, added a number of ad ditional
 10 crimes to the serious and violent felony lists, and explicitly Provided that
 11 Prior convictions for these offenses can be alleged as strikes in Prosecutions
 12 for offenses committed on or after March 8, 2000. People v.James (2001) 91 C.A.
 13 4th 1147, 111 CR,2d 292, Concluding that application of Penal Code section §
 14 667 (a), to prior convictions suffered before the effective date of Pr oposition
 15 21, would violate the Prohibition against Ex post facto Laws, the Trial court
 16 Struck the allegations that defendant had two prior strikes.(see Exhibit, ("C") .
 17

18 Petitioner's was Denied Due Process,
 19 Because Trial Court Did Rely On Inaccrate And
 20 Unreliable Information In Sentencing

21 The Trial Court's sentence was based on untrue and unreliable information,
 22 information admitted during the sentencing phase in violation of his due process
 23 rights. Here, where in this case, Judge at sentencing of July 27,2001,expressed
 24 her belief of Petitioner's guilt", based on her reading of Inaccurate and unre-
 25 liable information the uncertified copies of People Exhibit number (4), ..That
 26 was received by Court ,(see Exhibit "F," 16 RT,P.924,) and that Petitione r's had
 27 onec live and Peroled in the City of San Diego in (1992),.. and(Exhibit "A," 3 & 4,
 28 (Declare)

29 I am the Petitioner in the above entitled action and if called to testify
 30 to the within information, I could do so based facts of this informatio-n, that
 31 the foregoing is "NOT TRUE", I Ted D.Daniels, have never lived or Parol ed" in
 32 the City of San Diego, I declare under the Laws of the State of California and
 33 the United State of American, that the foregoing is true and correct.
 34 Executed this 26 day of May at Centinela State Prison, Ted D.Daniels

35 Here, in it self from the People Exhibit number 33, from the 84, pages of
 36 the Clerk Transcript the record of Department of Corrections, Chronological -
 37 Historu that serce as a close and persistent tracking of Parole, here on page
 38 218, That fact that I Petitioner's in (1992), Paroled to the City Long Beach
 CA, "Region two. (see attached Exhibit "E" page 218).

(Argument)

The Law;

The Court have developed a two prong test which which criminal defendants must meet to show a due process violation. The defendant must (1) that the challenged information is "materially False' or unreliable. Farrow v.US.580 F.2d 13-39 (9th Cir. 1978) and (2), that the Sentencing Judge relied, at least in part, on this information. US. v.Rachels, 820 F.2d 325 (9th Cir. 1987) citing US. v. Gonzales, 765 F.2d 1393 (9th Cir. 1985) 106 S.Ct. 826, If the Court State on the record that it excluded certain information from consederation when making the sentencing decision, the reviewing Court must take such statements at face value.Gonzales 765 F.2d at 1397,) Oxborrow, cites petition for a writ of habeas corpus, in that, (1) the Trial Court's sentence was base on untrue and unreliable information admitted during the sentencing phase in violation of his due process rights.

1983. Prior Trial incidence the District Attorney Mr.

Constitutes Strike Felony

In the 1983, Prior Trial incidence the District Attorney Mr. Shapiro Closing Argument the evidence is all supporting in the Prosecution theory and facts as recorded and the verdict form does not confirm the requisite factual findings. (see Exhibit "D"), Under the evidence set out in the prior incident, is a close question whether such taking constituted "Robbery or Grand Larceny."

And because, the victim's did not claim physical injury at the ensuing - Trial, merely that the purse handle snapped off. Also supports a conclusion the crime was theft but not a Strike Robbery, at that time. And Petitioner also argues for supported by the fact that in 1983, the States offered Petitioner and his co-defendant a deal of two years imprisonment in exchange for guilty plea of Grand Theft Person, therefore the Prior Trial Court was unreasonable not to instruct sua-sponte on theft as a lesser included Offense. (also Exhibit "D",)

The United States Supreme Court Could not have been clearer in stating that the inquiry is not whether a Prisoner has engaged in any particular conduct but instead whether the objective consequences of the change in the Law lengthen the amount of time he must send in Prison. Lynce v.Mathis, supra 117 S.Ct.at p. 896, 897.).

**See Affidavit
Of Ted D. Daniels In Support of
Subsequent Petition On Sentencing**

(attach,"6";)

23. Do you have any petition or appeal **now pending** in any court, either state or federal, pertaining to the judgment under attack?

Yes No

24. If your answer to #23 is "Yes," give the following information:

- (a) Name of Court:
- (b) Case Number:
- (c) Date action filed:
- (d) Nature of proceeding:

- (e) Name(s) of judges (if known):
- (f) Grounds raised:

- (g) Did you receive an evidentiary hearing on your petition, application or motion?
 Yes No

25. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

- (a) At preliminary hearing Daryl Dworakowski,

- (b) At arraignment and plea Roy Gunner Deputy Alternate Public Defender
765 Third Ave 305 Chula Vista, CA 91910

- (c) At trial Cynthia Bolden, Deputy Public Defender
233 "A" Street, San Diego, CA 92101

- (d) At sentencing Cynthia Bolden, P.D., same.

- (e) On appeal Lizabeth Weis, 2240 "F" Street, San Diego
CA 92102

- (f) In any post-conviction proceeding. In Pro. Per.

- (g) On appeal from any adverse ruling in a post-conviction proceeding:

26. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?

Yes No

27. Do you have any future sentence to serve after you complete the sentence imposed by the judgment under attack?

Yes No

(a) If so, give name and location of court that imposed sentence to be served in the future:

(b) Give date and length of the future sentence:

(c) Have you filed, or do you contemplate filing, any petition attacking the judgment which imposed the sentence to be served in the future?

No

28. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 2254 habeas cases filed in this district, the parties may waive their right to proceed before a district judge and consent to magistrate judge jurisdiction. Upon consent of all the parties under 28 U.S.C. § 636(c) to such jurisdiction, the magistrate judge will conduct all proceedings including the entry of final judgment. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to consent to a magistrate judge as it will likely result in an earlier resolution of this matter. If you request that a district judge be designated to decide dispositive matters, a magistrate judge will nevertheless hear and decide all non-dispositive matters and will hear and issue a recommendation to the district judge as to all dispositive matters.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including the entry of final judgment, by indicating your consent below.

Choose only one of the following:

Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

29. Date you are mailing (or handing to a correctional officer) this Petition to this court:

Wherefore, Petitioner prays that the Court grant Petitioner relief to which he may be entitled in this proceeding.

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

5-25-08

(DATE)

Ted Darnell Daniels

SIGNATURE OF PETITIONER

Affidavit And Declaration of
Ted D. Daniels In Support of Subsequent
Petition On Sentencing

I, Ted D. Daniels, DECLARE UNDER PENALTY OF PERJURY;

I am the petitioner in the above entitled action and if called to testify to the within information, I could do so based on my knowledge of this information within. I Petitioner acting with due diligence to offered and explained why the claims was not raiaeal earlier. Here, during the eight years Petitioner has been Imprison, he has diligently done everything an uneducated layman at law person could do to bring his illegal sentened to the attention of the courts, under Ineffective Assistance of Trial Counsel and Appellate Counsel, with all Courts deciding Petitioner's Petitions stated no cause of action has failed to Present aPrima facie case upon which relief can be granted under Strickland.

Bewildered by Court processes and the unfamiliar world of post-conviction review. Here, Petitioner was working on establishing this claim of Prosecutor Misconduct", While Petitioner did not specifically challeng that claim, but for not being able to obtain the particular evidence at the time which Petitioner would had need to have the final Judgment overturn. Due to Petitioner not admitting to the Prior convictions, and the Trial Judge would not accept Petitioner, Once in Jeopardy Plea to the Prior convictions in open court, I Petitioner wanting to maintain my innocence to the Prior conviction for sentencing.

The Prosecution was required to prove beyond a resonable doubt that Petitioner's had suffered the convictions. After petitioner's testimony the trial Court granted the people's Motion allowing the Jury to examine People's Exhibit 29, through 37, which included and pertaining to Petitioner's Criminal History.

At that time Judge Kaneshiro requested to see both Counsels in Chamber.(see attach here as Exhibit,A-2, from 14, RT,782). Before Leaving the Prosecutor handed jury number one a **stack of foger** about 8-inches in thickness, As I Petitioner remain seated at defenses counsel "Table," abserving closely for Jury reaction, as they look upon Petitioner for over an hour half, before the Jury left the Box to deliberate, feeling that I was not receiving a fair trial and this was not right for the Jury to be viewing Perjudicial Materials, the Jury convicted Petitioner of all counts. After the conviction and at Petitioner's sentencing on July 27,2001, Judge Keneshiro expressed her belief of Petitioner "guilt", based on her reading of Inaccurate and Unreliable information, the uncertified Copies of people Exhibit number four (4) see Exhibit "A" P.3,

Curious about why my Trial Counsel would present Prejudice and damaging information that is materially "FALSE".

that help cause the Judge to imposed a life sentence.(see 16 RT, 940) as --
as Exhibit,(A-4) That she read Petitioner had once "Lived and Paroled" in the
City of San Diego. "That is not True!"

August 29, 2001, I Petitioner Correspond with Appellate Counsel Ms. Weis and informing her of all the "Frustrated" between Trial Counsel and I Petitioner, and what issues I think that should be raised, and ask did she received the Court Exhibit number (4) ?, She saying No, but will see what she can do".

Counsel Abandonment

Sometime and early March 2003, Appellate Counsel Corresponded an inform I Petitioner that the Appeal Court disagreed with her argument, and I Petitioner had two potential appellate remedies available a Petition for Review would therefore needed to be filed between March 28, and April 7,2003, and Please note that should I Petitioner decide to pursue in Federal Court System, I Petitioner would need to exhaust the Insufficient Evidence claim that she raised by filing a Petition for Review in the California Supreme Court.

In about three week later Petitioner received the Transcripts of the matter from Appellate Counsel and the length of the record was about 1,600, pages, "But no Court Exhibit number (4)". And at that time Petitioner was reading at about 7.5, grade level and need a Dictionary constantly to understand the language of law. And at this time I asking this Court for liberal and less stringent standards when evaluating and interpreting the instant documents and all supporting attachments and exhibits thereto, including all previous filed documents and attachments. Although Petitioner is now reading at 12.9, I guest estimating from many hour of attendance in the Law Library in the last eight years, but Petitioner still finding Language to be most challenging,(see Exhibit "G,"). Sometime in the Month of April 2003, I petitioner contacted Appellate Counsel Ms.Weis, She ask I Petitioner how did I make the call ? I Petitioner explain that my Sister made the three way call, I petitioner ask Ms.Weis again about the Court Exhibit number four (4). At that time, Ms.Weis expresse that she wish not to disgust on the Phone at that time, that I Petitioner might be recording the conversation and "Hung up". (see Exhibit "A", P. 5-6,)

"On going Investigations While Criminel"

Proceeding was Proceeding

I Petitioner then proceed with the filing of Review in the California Supreme Court April 10, 2003, and was denied on May 14, 2003, And the early part of the Month of July 2003, I Petitioner received advise to send someone down to Criminal Case Records with power of Attorney Authorize to receive and endorse -

1 on Petitioner's behalf, Ms. Annette Daniels made a Personal appearance at the
 2 Court Records office and attempted to obtain a Complete copy of the Exhibit,
 3 Ms.Daniels was informed that the document could not be released to her, that it
 4 would required an Attorney to obtain a copy of the documents (see Exhibit "A"7-8-
 9,)

"Not Having An Attorney"

5 In August of 2003, Petitioner consult with and Investigator on trying to
 6 obtain Court Exhibit number four and the content of the Exhibit. I Petitioner
 7 explain my contentment, on our second conversation Mr.Bea informed I Petitioner
 8 that he consult a Attorney friend of his and he informed him the best way to
 9 obtain the Exhibits was for Petitioner to file a Motion with the Court for Jury
 10 information, name, address and telephone number to commuicate with the Jury who
 11 convicted Petitioner to obtain affidavits or declarations to the materials read
 12 and reviw by Jurors at Trial. (see Exhibit "A", 10,11,12.)

"Petitioner's No Funds"

11 Beauregard Investigations Mr.Bea informed Petitioner's that he is willing
 12 to start at a rate of \$125,00, per hour and .40 per mile. And needed a \$1.200.00
 13 as aretainer. Petitioner was unable to obtain the retainer.(see attach Ex. " ",.

14 September 5,2003, Petitioner make a written request to case Records in an
 15 attempt myself to obtain a complete certified copy of the document in Exhibit
 16 number (4), with no respond. On November 17,2003, Petitioner advise again to
 17 make a third attempt that the copied Exhibit be forwarded directly to myself
 18 this office has failed to respond to either written request in violation of Cal.
 19 Goc. Code 6253 (c) the 10 day limitation provided for responding to such regu-
 20 sts. On November 10 2003, Petitioner received a letter from the Superior Court
 21 of San Diego informing Petitioner that they were inreceipt of Petitioner letter
 22 of September 5, 2003, regarding copies of an Exhibit that was used as evidence
 23 in Petitioner's Trial and it is assumed that those subpoenaed documents were
 24 returned to the Prosecutor, as apparently Exhibit number (4) was a People's,
 25 (see Exhibit,A-9,). On May 9,2004, still trying to demonstrate Prosecutor Mis-
 26 onuct I was again advise to have the Radio Transmissions Tape examen for any
 27 alteration added to the "245" Radio during the pursuit. (see Exhibit "A",13-14)

28 On July 19 2004, and in still trying to geter information on the Purse
 29 snatching Prior conviction, and thinking that the Prosecutor handed to one of
 the Jury member it the time the Trial Judge granted the people's Motion allowing
 the Jury to examine People's Exople's Exhibits pertaining to Petitioner's
Criminal History, that stack of fogers about 8-inches in thickness, more then
 any 84, pages that Petitioner received from Appellate Counsel Ms.Weis, that -

1 Petitioner's now here in the Clerk's Transcriptt.

2 Still pondering that the Prosecutor taking advantage of appropriate time
3 by "Bootstraping", Court Exhibit number four as well to the Jury.(see Exhibit,A-15

4 On August 5,2005, in correspondence of Petitioner's letter to the District
5 Attorney Office, Deputy District Attorney James D.Koerber, request more in detail
6 for documents I Petitioner was seeking. On August 9, 2004, filed a Petition -
7 with the Southern District Court of California, Docket number 04-CV-1639-DMS -
(WMC). On Augst 12,2004, I Petitioner send a more detailed letter describing -
Exhibit number four (4) as I Petitioner remember made up of four (4) yellow
foder or four (4) Large Manila Envelope about 2-inches in thickness each.

8 On September 14, 2004, Respondents filed Motion to dismiss Petition under
9 abstention doctrine. On october 6,2004, I Petitioner file a Motion to stay pend-
10 ing exhaustion of unexhausted claim in state court.

11 On January 20,2005, The Magistrate granted the Motion to stay and denied
12 Respondent's Motion to dismiss.

13 On May 24, I Petitioner was transferred from Calipatria State Prison to
RJ. Donovan Correctional Facility.

14 On September 14,2005, I Petitioner filed a Travesé.

15 On December 20,2005, The Magistrate Judge filed Report and Recommendation
that Petition be denied.

16 On January 24,2006, I Petitioner filed and Objections to (R & R).

17 On November 30,2006, again I Petitioner was transferred from RJ.Donvan
18 Correctional Facility to Centinela State Prison because the Facility was
converting to a sensitire-need housing unit for ex-gang member and informant.

19 On December 8,2006, The District Judge Court adopts the (R & R) entirely.

20 On January 3,2007, I Petitioner filed a Notice of Appeal as to and Certif-
icate of Appealability with the District Court (see Exhibit,"A",27-38)the opinion).

21 Now I Petitioner Daniels was a relatively new inmate here at Centinela
State Prison, and here in the facility law Library communicating and Mingling
22 with other in looking on the Computer board Website Prison law www.com, which
this Prison have, an was informed by Mr.Mckinely that unarmed and Estes robbery
23 was not added to the serious or violent felonies list until March 7,2000, and
so long as the new offense is committed after March 7,2000, they can be count
24 as strike. (see Exhibit "C",).

25 And with that information and remembering, that when My Bail was increas on
26 March 22,2000, and what the Prosecutor said because of the change in circumsta-
27 nces, that now it's strike. (see Exhibit "B",) and (Exhibit "A", P.20 to 23).

1 And pursuing that lead, and with due diligence I Petitioner re-examined
 2 the record for that proceedings, but it was not part of the recrd on Appeal.

3 So on March 9, 2007, I Petitioner filed a Motion with the San Diego Superior
 4 Court trying to obtain a copy for that Status Conference for March 22, 2000,

5 To received that Transcripts, and in sometime and early February of 2007,
 6 I Petitioner had attemped to obtain a complete copy of the court of Appeal of
 7 my prior conviction Trial Transcripts case B006312, at County Records Center-
 8 Archives 222 N.Hill Street, Room 212 Los Angeles, CA 90012, and was informed By
 9 the Clerk of the Archives, that, That Division was for the Superior Court of -
 10 L.A. and gave me a phone number and a Appellate Division.

11 I petitioner call a Family member with that information name, number, in -
 12 they were able to obtain a complete copy of the 1983, Trial transcript and for-
 13 warded directly to I Petitioner here at Centinela State Prison By U.S. Mail at
 14 the address heading this Petition. (see Exhibit "A", P. 24,25,26,).

15 On June 29,2007, after obtain the copy of the Prior Transcript, augmented
 16 under the California Rules of Court 12, Petitioner file a Petition with State
 17 Court of Appeal. (see Exhibit "A", P. 40).

18 On July 26,2007, Petitioner file a Motion To Permatureily Stay all Proceed-
 19 ings for the COA Pending Exhaust of Subseguent Stats Petition with the 9th. Cir.,
 20 On August 3,2007, The Ninth Circuit Court of Appeal, denied the request for
 21 a certificate of Appealabilty under § 2253 (c)(2), and all pending motions.

22 On September 13,2007, The States Court of Appeal denied that Petition as
 23 procedurally barred because it is untimely and successive and had not establis-
 24 hed an exception to the Procedural Bar under. (In re Clark 1993, 5 Cal 4th 750),

25 On August 16,2007, I Petitioner file Petition For Rehearing with The Ninth
 26 Ciruit. On October 24,2007, I Petitioner file a Petition and Declaration with
 27 the California Supreme Court of California. (see Exhibit "A", 42, and "A2" 42)

28 On April 23,2008, The Supreme Court of California, denied the Petition with
 a one liner. (see Exhibit "A", P. 43,)

At this time Petitioner now filing this instant Petition with this Court,
 under 28 U.S.C. § 2254 (e)(ii), a factual predicate that could not have been
 previously dicovered through the exerise of due diligence, the "end of Justice"
 require federal Courts to entertain successive petitions only where the Petiti-
 oner makes a "Colorable Showing of innocence" is the test, or the test is Whether
 the alleged error precluded the development of true facts or resulted in the
 admission of Misleading Facts. (1) In this case Trial Judge Rely in part, in
 making her decisions to give Petitioner's his Three Strikes Life Sentence, that

1 Petitioner once lived and Paroled in the City of San Diego, "That not True"
 2 and (2) The fact in petitioner's one and only second-degree purse snatching
 3 robbery prior, the ensuing Jury Trial alleged no injury or personal use of any
 Weapon or inflicted GBI is required in defining. (see Exhibit "C",

4 In § 2254 (e)(ii) as requiring some sort of omission by the Petitioner,
 5 in other words, he cannot be deemed to have failed to develop a factual basis
 6 for his claim if the basis was left undeveloped through no fault of his own.

7 Here, Again Petitioner would like
 8 To Argum some I Support of the factual
 9 And Legal Basis

10 Here, giving the State Public Defender Trial Counsel, and State Trial Judge,
 11 and the Appellate Counsel, "the benefit of the doubt, "there mayhave been a
 12 hidden factual Predicate," that Petitioner current offense occurred 63, days
 13 before the enactment, and up to that present time, was still a recently new
 14 emendment, that had not unravel all of the complexities.

15 Here, in support of Petitioner's Due diligence argument of the claim for
 16 Petitioner's Law Library's attendence and reading grade level, Up-dated, from
 17 6/21/02, to 5/6/08, Where in June of 2003, Petitioner was reading at 7.5,grade
 18 level, although Petitioner's is now reading at 12.9, estimating from many hour
 19 of attendence in reading in the Law Library in the last eight years, and still
 20 did not see anything which would had may Petitioner aware of that part of the
 21 Trial Prejudiced deficient of the claim, "Until I Petitioner was informed by
 22 inmate Mr.Mckinely that was on the new Computer board up-dated Wedsite at Prison
 23 Law www.con, Which this Prison Centinela have (see Exhibit "A",P.1,)

24 Here, Petitioner like to insert, since petitioner's incarceration at these
 25 three different Prison there was No Computer at "Calipatria" between 2001,to
 26 2005, or "Donavan" Correctional Facility from May 2005, to November 30,2006,
 27 and again all those Institution," and due to the State Budgetary shortfall since
 28 2002 to 2008, there have been period of 6, to 7, Months off and on, of not
 having the Daily Appellate Report that is our as inmate only window into our
 Courts. (see Exhibit "G" P.2,)

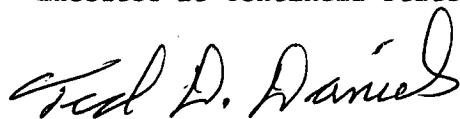
29 WHEVEFORE, If the Court determines that the Issues raised in this Petition
 30 are apparent from the Pleadings, Based on the above violations of Law during
 31 the Sentencing of the Petitioner's then grant Petitioner whatever futher relief
 32 this Court deems Appropriate and in the interests of "justice".

33 I Petitioner, Ted D.Daniels, therefor request leave to Prosecute the pro-
 34 posed new claims in this Petition..

1 I understand that a false statement in this Affidavit will subject me to
2 the penalties of perjury.

3 I declare under penalty of perjury pursuant Title 28, United States Code,
4 Section 1746, and 18 United States Code, Section 1621, that the foregoing
inforgoing information contained herein this affidavit is True and Correct.

5 Executed at Centinela State Prison on this 25 day of May 2008,

6 

7 Ted D. Daniels T-23705

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT

A

Declaration Of Terry McKinley CDC #C-94117,
In Support Of The Subsequent Petition On
This Sentencing Issue:

I, Terry McKinley declare;

I am the person in the above entitled action, and if called to testify to the within information, I could do so based on my knowledge and assistance to this matter. I am and, consider myself an accredited Jailhouse "Paralegal".

Mr. Daniels was transferred here at Centinela State Prison on 11-30-06 from Donovan State Prison. Mr. Daniels and I, sometime back in the month of March 2007, was discussing his case, and reading from the facility Law Library bulletin board www.Prisonlaw.com Type Of Sentence, "Three Strikes" issues outline and under General Issues about strike priors, and I Mr. Terry McKinley C-94117, informed Mr. Daniels that this issue may apply in his case, because unarmed robberies and estes robberies, was not added to the serious or violent felonies list until March 7, 2000, and so long as the new offense is committed after March 7, 2000, are strikes, and I am assisting in some of the research of this issue.

I declare under penalty of perjury that the aforementioned is true, and correct, and I am willing to testify to such facts.

This declaration was executed at Imperial, California on May 25, 2007

Date: May 25, 2007

Terry McKinley
(Declarant)

Terry McKinley CDC# C-94117

1 Honor.

2 THE COURT: And is Ms. Felix excused?

3 MR. VIENNA: Yes, please, your Honor.

4 THE COURT: Thank you very much, ma'am.

5 THE WITNESS: You're welcome.

6 THE COURT: You are excused. You're free to leave the
7 courtroom and the courthouse.

8 THE WITNESS: Thank you.

9 (Witness excused.)

10 MR. VIENNA: Your Honor, I would ask for permission at this
11 time to publish People's Exhibits 29 through 37 to the jury so
12 they could review them just briefly.

13 THE COURT: One moment. May I see counsel side bench off
14 the record, please.

15 MS. BOLDEN: Yes, your Honor.

16 (Sidebar not reported, after which the following
17 proceedings were held in open court in the presence of the jury:)

18 THE COURT: Counsel, at this time you may publish documents
19 to the jurors.

20 And at this time, perhaps alternate juror, if you
21 could divide some of those documents and start some of the
22 documents on the top row. Okay.

23 The Court is still in recess. However, I'd like to
24 see counsel in chambers and on the record.

25 MS. BOLDEN: Yes, your Honor.

26 (Chambers conference reported:)

27 THE COURT: We're on the record, meeting in chambers. This
28 is the case of People versus Ted Darnell Daniels.

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

DAVID J. GONZALEZ, CSR NO. 4155

DATE: JUL 27 2001 DEPT: 19 REPORTER A: CSR#

PRESENT HON.: GALE E. KANESHIRO REPORTER B: CSR#
JUDGE

CLERK: FRIEDA McCURLEY

BAILIFF: Marvin Daniels, Matt Williams REPORTERS' ADDRESS: PO BOX 120128
SAN DIEGO CA 92112-0128

SCD149951
AAC78101

00119857A

CHARGES: PC459 2ND DEG.
VC2800.2(A),
PC245(A)(1)X3
PC1192.7@(23)X3
PC1203(e)(4)
PC667.5(b)&668X5
PC667(A)(1)668&1192.7(C)
PC667(b)-(l)&1170.12&668

THE PEOPLE OF THE STATE OF CALIFORNIA, PLAINTIFF
BY KEVIN VIENNA, DEPUTY DISTRICT ATTORNEY

VS
TED DARNELL DANIELS, BY CYNTHIA BOLDEN, (A)

THE COURT HAVING DEFERRED THE MATTER OF THE DEFENDANT'S PRIORS TO TODAY'S DATE, THE COURT NOW CITES THE CASE OF PEOPLE VS. LAWRENCE (2000) 24 CAL. 4TH 219, AND NOW FINDS THAT THE DEFENDANT'S PRIORS ARE TRUE AND VALID PRISON AND STRIKE PRIORS.

THE DEFENDANT PERSONALLY SPEAKS ON HIS OWN BEHALF AFTER HIS ATTORNEY CYNTHIA BOLDEN MADE HER ARGUMENT TO THE COURT ON THE DEFENDANT'S BEHALF, AND HE NOW MAKES A MOTION FOR A NEW TRIAL BASED ON INEFFECTIVE ASSISTANCE OF COUNSEL AND PREJUDICE OF THIS COURT DEPARTMENT 19, JUDGE KANESHIRO.

COURT EXHIBIT NUMBER FOUR IS MARKED AND RECEIVED INTO EVIDENCE:

4) A STACK OF SUBPOENED DOCUMENTS FROM THE DEPARTMENT OF CORRECTIONS.

PAGE 1 OF 2

(3)

(A)(3)

1 there were innocent motorists placed in danger of life and limb
2 for approximately 45 minutes on several surface streets and the
3 highways of San Diego because of the running of stop signs and
4 red lights and high speeds.

5 I had a question in my mind as to why Mr. Daniels
6 perhaps knew the highways of San Diego, his testimony, I believe,
7 being that he had come here for the day. Comes down through
8 San Diego and goes on to Tijuana. Well, I found that back in
9 1992, he was paroled to San Diego county. That is what the
10 Department of Corrections documents indicate.

11 THE DEFENDANT: I never been to San Diego. I ain't never
12 lived here -- paroled here.

13 THE COURT: Okay. Well, this is what is reflected, then, in
14 the information that I have from Department of Corrections. But
15 in any case, if that is, in fact, the truth, that might explain
16 why he knew the highways here in San Diego more than just someone
17 who casually comes through San Diego, on the freeways, to
18 Tijuana.

19 The Court also considered the monetary loss to the
20 victim in this case. The loss to Fry's Electronics, even though
21 all of the property was later recovered, was approximately
22 \$80,000. This was a significant amount of loss, and this
23 included approximately 40 separate computers.

24 The Court also looked at the factor of participation,
25 whether defendant was a passive participant or an active
26 participant, and the Court does note that while he may have been
27 induced by others to participate in the burglary, he nevertheless
28 participated in that burglary. The Court also notes that with

(A)(4)

Lizabeth Weis
Attorney at Law
2240 F Street
San Diego, California 92102

(858) 483-6994

February 26, 2003

Ted Daniels, #T23705
C-3-241
P.O. Box 5002
Calipatria, CA 92233

RE: People v. Daniels, D038444

Dear Mr. Daniels:

Today the Court of Appeal filed its opinion in your case. I have enclosed a copy for your review. The court disagreed with the argument that there was insufficient evidence to support the assault with deadly weapon convictions, but it ordered the trial court to issue an amended abstract giving you an additional 250 days of credit. I am sorry the court disagreed with me on the first issue, but the court correctly noted the jury was free to reject the defense expert's testimony.

At this point there are two potential appellate remedies available to you: a petition for rehearing in the Court of Appeal pursuant to California rules of Court, rule 27; and/or a petition for review by the California Supreme Court pursuant to California Rules of Court, rules 28 and 29.

California Rules of Court, rule 27 provides the format for pursuing a rehearing in the Court of Appeal. The petition for rehearing must be filed within fifteen (15) days from the date the opinion was filed; the opinion was filed February 26, 2003, so any petition for rehearing must be filed on or before Marcy 13, 2003. A petition for rehearing may not simply reargue the appeal, but must be directed to points included in the briefs which resulted in errors or contradictions in the opinion.

Generally, a petition for rehearing should be directed to: (1) a significant misstatement of fact; (2) an error of law; (3) a significant omission in the facts or law; (4) a failure to consider an important argument; or (5) the court's analysis and disposition of the case on a theory not briefed by the parties. A primary factor in deciding whether to seek a rehearing is rule 29(b) which provides that any issue or material fact that was omitted from or misstated in the opinion will not be reviewed by the Supreme Court unless the omission or misstatement is called to the attention of the Court of Appeal in a Petition for Rehearing.

I have read the opinion and find no basis for a successful petition for rehearing because the recitation of material facts and discussion of issues are essentially accurate and the

opinion utilizes the correct standards of law and covers the issues raised in our brief.

The only other alternative is a petition for review in the California Supreme Court. The petition must be filed no earlier than thirty (30) days and no later than forty (40) days after the Court of Appeal opinion is filed; a petition for review would therefore need to be filed between March 28, 2003 and April 7, 2003.

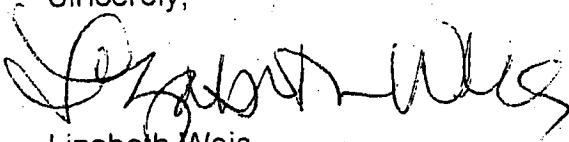
The grounds listed in rule 29 for review are: (1) where it appears necessary to secure uniformity of decision or the settlement of an important question of law; (2) where the Court of Appeal was without jurisdiction of the cause; or (3) where, because of disqualification or other reason, the decision of the Court of Appeal lacked the concurrence of the required majority of qualified judges.

I do not believe any of the above grounds are satisfied in your case. Moreover, as a practical matter, the Supreme Court will only take a case that raises a new question of law. Very few petitions are actually granted. However, please note that should you decide to pursue your case in the federal court system, you would need to exhaust your state remedies by filing a petition for review in the California Supreme Court.

Because the opinion in your case presents no reasonably viable opportunity to seek review in the Supreme Court, I will not be filing further briefs on your behalf. However, you may wish to pursue some form of relief on your own. I have therefore enclosed an information sheet which details how to file a petition for review. The petition should contain a brief introduction setting forth the nature of the case, a brief statement of the question presented to the Court, the reasons the Court should grant a review, and a brief analysis of the deficiencies in the Court of Appeal opinion. It may not be longer than 8400 words. (California Rules of Court, rule 28.1 (e).) The opinion itself should be attached as "Appendix A." The petition should have a white cover and should include a proof of service as detailed on the enclosed information sheet.

I have done my best to respond to your concerns, and I am glad to have had the opportunity to represent you in this matter. I am mailing your transcripts separately. Please let me know if you have any remaining questions.

Sincerely,



Lizabeth Weis

Ted D. Daniels C.D.C. #T-23705
Calipatria State Prison
P.O. Bpx 5002 / CS-137
Calipatria, CA 92233-5002

September 5, 2003

Superior Court, County of San Diego
attn: Clerk, Criminal Case Records
220 W. Broadway
San Diego, CA 92101

Re: Court File Exhibit

Dear Clerk,

I am the defendant in People v. Daniels, superior court case no. SDC 149951, and am now proceeding in pro per.

I am attempting to obtain a complete copy of Court Exhibit number four (4), received into evidence on July 27, 2001. (See attached Minute Order, dated July 27, 2001.)

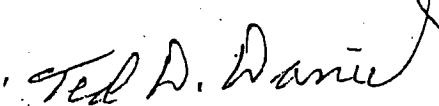
Please inform me to the total number of pages in court exhibit number four (4), the total cost for a "certified copy" of the complete exhibit, the cost required (if necessary) for postage, and to whom payment needs to be addressed.

In the event this request cannot be completed, please, indicate the specific reasons that has prevented this request from being completed, including the name(s) of those refusing to complete this request and to what supervising personnel that I may direct further inquiry, if necessary, regarding this matter.

For your convenience I have provided a self-addressed stamped envelope, for your prompt response.

Thank you for your time and cooperation with this matter.

Sincerely,



Ted D. Daniels

Ted D. Daniels CDC #T-23705
Calipatria State Prison
P.O. Box 5002 / C5-137
Calipatria, CA 93322-5002

October 8, 2003

Superior Court, County of San Diego
attn: Clerk, Criminal Case Records
220 W. Broadway
San Diego, CA 92101

Re: California Public Records Act
Request

Dear Clerk,

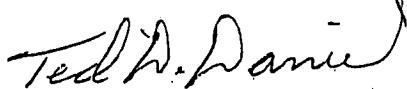
In a prior letter I requested the necessary fee information to be forwarded to me by your office to enable me to obtain a complete copy of Court Exhibit number four (4), superior court case no. SDC 149951, received into evidence at my criminal trial on July 27, 2001. (See attached Letter, dated, September 5, 2003.)

My prior correspondence, I believe, contained sufficient information to be considered, and treated as, a request for public records. (Cal. Public Records Act, Gov. Code §6250 et. seq.) Additionally, the above named documents are in no way exempt and disclosure is appropriate wherein the requested documents pertain to myself. (Information Practices Act, Civil Code §1798 et. seq.)

Therefore, I am resubmitting my prior records request as outlined in the attached letter of September 5, 2003.

Thank you for cooperation with a prompt resolution of this matter.

Sincerely,



Ted D. Daniels

Enc'l.

cc: file

(8)

(A)(8)

**Superior Court of California
County of San Diego**



CENTRAL COURTHOUSE
220 W. BROADWAY
PO BOX 120128
SAN DIEGO CA 92112-0128

November 10, 2003

Ted Daniels T-23705
Calipatria State Prison
P.O. Box 5002 / C5-137
Calipatria, CA. 92233-5002

RE: Request for copy of exhibit
SCD 149951

Dear Mr. Daniels:

The Court is in receipt of your letter of September 5, 2003, regarding obtaining copies of an exhibit that was used as evidence in your trial in the above-referenced matter.

Please be aware that trial exhibits are not kept in the Court file and it is this Court's standard policy that once a trial is over and the appeal process is completed, all trial exhibits are returned to the party that produced them. The Fourth District Court of Appeal issued its unpublished decision in this case on February 26, 2003, and the remittitur was received by the Superior Court on May 19, 2003. Your case is therefore finished.

From the copy of the Minute Order that you attached to your letter (and because your case is final) it is assumed that those subpoenaed documents were returned to the prosecutor, as apparently Exhibit #4 was a People's exhibit.

Therefore, the Court is unable to provide you with any information regarding costs to obtain copies.

Sincerely,

San Diego Superior Court

(9)

(A)(9)

**Beauregard
Investigations
PI License 19065**

2411 E. Valley Parkway #330
Escondido, CA 92027
Phone/Fax 760-742-2432
Email BeauInvest@aol.com
www.BeauregardInvestigations.com

September 23, 2003

Mr. Ted D. Daniels #T-23705
C-5-137 LOW
PO Box 5002
Calipatria, CA 92233

Dear Ted:

I have enclosed 2 of my business cards. They have everything you would need to list me in your writ. I have looked thru my files and I can't seem to find your original letter to me. Therefore, I would like you to send me a copy of your writ.

I look forward to hearing from you. Please feel free to call if you have any questions.

Sincerely,


K. "Beau" Beauregard
Owner/Investigator

(10)

(A)(10)

Beauregard Investigations
2411 E. Valley Parkway #330
Escondido, CA 92027
Phone/Fax 760-742-2432
Calif. License 19065
www.BeauregardInvestigations.com
Email BeauInvest@aol.com

Investigative Agreement

This hourly rate investigator-client fee agreement is between BEAUREGARD INVESTIGATIONS, a licensed California investigative agency and MR. TED DANIELS Client. The general nature of the case is LOCATE + INTERVIEW TURKES FROM HIS CASE, SUPERIOR COURT CASE SDC149951

This case will begin on or about the date below and continue for 90 days or until Client withdraws.

Client employs and BEAUREGARD INVESTIGATIONS will accept employment to perform investigative services in connection with Client's case regardless of the disposition of this case. The Client agrees to fully cooperate with BEAUREGARD INVESTIGATIONS and provide accurate information as a basis for this investigation.

BEAUREGARD INVESTIGATIONS is not responsible for results of inaccurate information or leads provided by Client. Client understands that BEAUREGARD INVESTIGATIONS may withdraw from this contract if Client should fail to pay all fees and costs set forth below.

FEES AND RETAINER

BEAUREGARD INVESTIGATIONS shall be compensated for all services rendered Client at the hourly rate of \$ 125.00 per hour and \$.40 per mile. Client agrees to pay the sum of \$ 1,200.00 as a retainer. BEAUREGARD INVESTIGATIONS will bill hourly against the retainer. Client further agrees to pay for any other expenses incurred during the investigation, including but not limited to hotel bills, videotapes, photos, etc. If travel is anticipated, a fee of \$ 300.000 will be applied toward costs and expenses incurred in the pursuit of this matter. Once any investigative effort is initiated in this case, a minimum of \$200.00 of the retainer will be withheld should Client decide to end the investigation. Any other balance will be refunded to the Client upon request.

COURT APPEARANCES

If any agent of BEAUREGARD INVESTIGATIONS is called as a witness for deposition or Court, the cost will be a minimum of \$500.00. If the Court appearance or deposition requires more than 4 hour's time, the Client will be charged the hourly and mileage rate set above.

CLIENT AGREES THAT NO AGENT OF BEAUREGARD INVESTIGATIONS HAS MADE ANY PROMISE OR GUARANTEE REGARDING THE OUTCOME OF THEIR CASE OR FACTS GATHERED DURING THE INVESTIGATION PERFORMED BY BEAUREGARD INVESTIGATIONS. CLIENT FURTHER STATES THEY HAVE RECEIVED A COPY OF "THE NATURE OF INVESTIGATIONS"

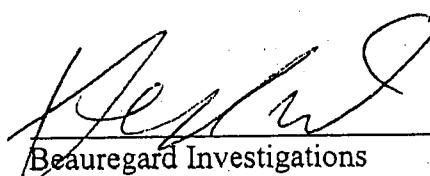
Client acknowledges that BEAUREGARD INVESTIGATIONS make no promises as to the results or guarantees as to the results and/or accuracy of database searches as they are compiled from independent sources of information. If said investigation requires locating a person, in lieu of a current court case, or a letter on letterhead from your attorney, BEAUREGARD INVESTIGATIONS, has a right of first contact. Meaning once we locate the person you are looking for, we will first notify them you have retained us. It is up to the person located to authorize us to give their information to Client. In case of no authorization, no monies will be refunded to Client.

Client does hereby bind his/her heirs, executors and legal representatives to the terms of this contract as set forth herein. Client represents that he/she will use the information provided to him/her for lawful purposes only and Client understands that BEAUREGARD INVESTIGATIONS cannot be held responsible for any unlawful act Client may take or cause others to take as a result of the information provided. A facsimile copy of this agreement shall be a valid as the original.

I HAVE READ THIS CONTRACT AND AGREE TO ITS TERMS AND CONDITIONS.

Entered into this 12th day of December, 2003 in San Diego County, California.

Client


Beauregard Investigations

PAYMENT MUST BE MADE WITH
A BASHTERS CHECK ONLY !

Ted D. Daniels CDC# T-23705
Calipatria State Prison
P.O. Box 5002 / C5-137
Calipatria, CA 92233-5002

May 9, 2004

Mr. Bryan Neumeister
Skymeister Sound Lab
2226 N. 17th Avenue
Phoenix, AZ 85007

Re; Forensic Tape Examination,
459 at 9825 Stonecrest Blvd.

Dear Bryan,

Let me provide you with a little background information about the tapes. Originally I was given a "first" set of tapes in April of 2000. I sat down and listened to this set of tapes with my "first" attorney, from end to end, and I did not hear any radio transmission indicating "245...245" (assault) at any time "during the actual pursuit" the tapes, as we listened to them, had a long, long, silence during the moments that the claimed assaults were to have taken place. Basically this portion of the tape was, or sounded to be, blank.

Subsequently, after a change in defense attorney's, in February of 2001, a "second" set of tapes were provided, which I listened to with my "second" attorney from end to end to end. This time there is the "245...245" that is audibly different than the remainder of the taperdings on the tape, and Now within the previously blank portion of the earlier first set tapes.

One of my specific concerns is whether the differently sounding "245" was voiced-over, or added on top of, the blank portion of the first set of tapes. To my untrained ear it sounded like the "245" transmission had been added because it distinctively was much louder than the rest of the tape. Of course I am receptive of any other oddities or irregularities that you may find on the tapes. So, Please, keep in mind during your examination.

Additionally, I am also providing you with a transcript which was transcribed from the earlier set of tapes, and a copy of the chronology of the radio transmissions (dated 12/28/99). They may be of some assistance in determining whether the latter tape has been altered to add the "245" radio transmission during the pursuit.

I hope this information is able to assist you in determining the specific problem which I outlined above.

Thank you for your time and cooperation with this matter.

Sincerely, 
Ted D. Daniels

SKYMEISTER SOUND LAB
602 256-6070
BRYAN NEUMEISTER
ACFE-AES-NATAS-BMI-ASCAP-ACFEI

Ted D. Daniels
Forensic Tape Review.
459 at 9825 Stonecrest Bl.

Hello Ted,

Please be very specific as to what you are looking for on the tapes. Feel free to call me at 602 256-6070. I have taken a brief listen to both tapes. Are you looking for edits at specific points on the tapes? Both these tapes are of course copies and not the originals.

Is there anything you would like to enhance on the tapes?
The tapes do have magnetic starts and stops on them. They are at the points where each new piece of evidence (exemplar) is introduced and are legitimate.

Forensic Audio charges are \$110. an hour.
You have no charges at this point.

Again Ted, Please tell us what you are specifically looking for.

Thank You
Bryan Neumeister


Skymeister Sound Lab
ACFE-AES-NATAS-BMI-ASCAP-ACFEI

APC 7/81
Supt

Ted D.Daniels C.D.C #T-23705
Calipatria State Prison
P.O. Box 5002 / C5-137
Calipatria, CA 92233-5002

July 19, 2004

Reresentative of the
District Attorney Offiee
P.O. Box X, 1011
San Diego, CA 92112

Re: Court Exhibit

Dear District Attorney Reresentative:

I am the defendant in People v.Daniels, superior court case #. SDC
149951.

I am attempting to obtain a complete copy of Court Exhibit number
four (4), Received into evidence on July 27, 2001. I was inform by
the superior court those subpoena documents were returned to your
Offiee (See attached Minte Order and letter, dated July 27, 2001 -
November 10, 2003.

Please inform me to the total number of pages in court exhibit
nuber four (4), the total cost for a "certified copy" of the comp
lete, exhibit, the cost required (if necessary) for postage, and
to whom payment needs to be addressed.

In the event this request cannot be completed, please, indicate
the specific reasons that has prevented this reuest from being
completed including the name(s) of those refusing to complete
this request and to what supervising personnel that I may direct
further inquiry, if necessary, reguarding this matter.

For your con-venience I have provided a self-addressed stamped
envelope, for your prompt response.

Thank you for your time and cooperation with this matter.

Sincerely,

Ted D. Daniels
Ted D.Daniels

(17)

(A)(15)

JESUS RODRIGUEZ
ASSISTANT DISTRICT ATTORNEY

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

BONNIE M. DUMANIS
DISTRICT ATTORNEY

San Diego
330 West Broadway
San Diego, CA 92101
(619) 531-4040

<http://www.sandiegoda.com>

August 5, 2004

Ted D. Daniels
Calipatria State Prison
P.O. Box 5002 / C5 / #T-23705
Calipatria, CA 92233-5002

Dear Sir:

I received your correspondence of July 19, 2004, a copy of which is attached. However, I am unclear what exhibit you are requesting, since you give only a number but do not describe the exhibit further. Please describe in more detail the documents you are seeking, and I will look into your request further.

Sincerely,

James D. Koerber
Deputy District Attorney

(18)

(A)(16)

TedD.Daniels C.D.C #T-23705
Calipatria State Prison
P.O. Box 5002/ C5-137
Calipatria, CA 92233-5002

August 12, 2004

James D.Koerber
Deputy District Attory
330 West Broadway
San Diego, CA 92101

Dear Mr. Koerber:

Court Exhibit nuber four that was received into evidence on July 27, 2001, at the Penalty and sentencing Phase of People v. Daniels case # 149951.

Describe in more detail the document, Defendant's are seeking? Exhibit made up of four (4) yellow Foder or four (4) large Manila Envelope about 2-inches in thickness each; "for astack" of four (4).

Containing information about Daniels Criminal History. Crimes for which the Defendant were covicted."Prior Criminal Recrd History", "All Prior Arrests", Arresting Agency", Juvenile Probation," and "Parole information," things of that source.

In November 17,04, the Court records office indicated to Ms. Annett Daniels that the Exhibit was about 300, page.

Please inform me to the total number of pages and the total "cost for a certified copy" of the complete exhibit, the cost required (if necessary) for postage, and to whom payment needs to be addressed.

For your convenience I have provided a self-addressed stamped envelope, for your prompt response.

And Thank You for your time and cooperatinn with this matter.

Sincerely,

Ted D.Daniels
Ted D. Daniels

JESUS RODRIGUEZ
ASSISTANT DISTRICT ATTORNEY

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO
BONNIE M. DUMANIS
DISTRICT ATTORNEY

San Diego
330 West Broadway
San Diego, CA 92101
(619) 531-4040

<http://www.sandiegoda.com>

September 3, 2004

Ted D. Daniels
Calipatria State Prison
P.O. Box 5002 / C5 / #T-23705
Calipatria, CA 92233-5002

Dear Sir:

In response to your prior correspondence, please find enclosed a copy of Exhibit #4.

Sincerely,

James D. Koerber
Deputy District Attorney

Enclosure

(20)

(A)(18)

The San Diego Union-Tribune • Tuesday, November 7, 2006

Donovan prison to get maximum-security unit

For inmates unable to mix with others

By Steve Schmidt
STAFF WRITER

State officials are converting a huge housing complex at the Richard J. Donovan Correctional Facility in Otay Mesa into a maximum-security unit for prisoners who need to be kept apart from other inmates.

The new sensitive-needs unit will house 1,150 convicts — ex-gang members, prison informants, sex offenders and others.

"Basically, it's anyone who we may have security concerns over or those who are unable to mix with the general prison population," said Donovan spokeswoman Kim Seibel.

Donovan houses nearly 4,800 male inmates in a 780-acre complex about 16 miles from downtown San Diego. It is the only state prison in San Diego County.

Starting this month, about 1,150 Donovan inmates will be bused to other state prisons in California to make room for the sensitive-needs unit, which is now at the state prison in Lancaster.

State officials plan to complete the move by early February.

The shift was spurred by Los Angeles County's recent decision to end its jail contract with the state Department of Corrections and Rehabilitation.

The county said it would no longer house 1,300 state parole violators, forcing corrections officials to make room for the inmates at the Lancaster facility, northeast of Los Angeles.

The move comes at a time

when California's 33 adult corrections facilities already are packed with a record 170,000-plus convicts.

To ease the crunch, state officials are preparing to transfer 2,260 medium-security inmates to private prisons outside California, perhaps within a few weeks, at a daily cost of \$63 per inmate.

Inmates in the new Donovan unit will be walled off from the rest of the facility to ensure their safety. Left among the general prison population, sensitive-needs inmates are often the target of taunts and prison yard violence.

Several other California prisons also operate sensitive-needs units.

At Donovan, prison officials said the creation of the special unit would not lead to the release of more paroled sex offenders into San Diego County.

State policy requires that parolees be returned to the county where they last resided.

Marie Wallach, founder of the Imperial Beach-based California Prison Projects, a prison watchdog group, worries that the Donovan staff of 1,300 guards and employees is not trained to handle sensitive-needs inmates. She said many require special medication and programs.

Seibel disagreed. "I don't see a problem with staff not being able to handle these inmates," she said.

Officials said the incoming inmates would be able to enroll in rehabilitation programs at Donovan available to some other inmates, including classes to address substance abuse.

Steve Schmidt: (619) 293-1380;
steve.schmidt@uniontrib.com

(A)(19)

RECEIVED
CLERK'S OFFICE, SUPERIOR COURT
MAR 09 2007

By: G. Carrillo, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

IN RE THE PETITION OF:) SCD 149951
TED DARNELL DANIELS,)
Petitioner.) ORDER DENYING REQUEST
) FOR FREE COPIES OF TRANSCRIPTS
)
)

THIS COURT, HAVING READ AND CONSIDERED THE MOTION FOR COPIES
OF TRANSCRIPTS AND THE FILE IN THE ABOVE-CAPTIONED MATTER, FINDS:

Petitioner is seeking free copies of transcripts from the above-referenced matter, but he
has failed to specify *any* proposed *factual* basis for obtaining theses copies. *Factual* specificity
and particularity are required when seeking a reporter's transcripts at the taxpayers' expense.
Petitioner is not entitled to such material merely to comb the record for error. United States v.
MacCollom (1976) 426 U.S. 317; Miller v. Hamm (1970) 9 Cal.App.3d 860. In the alternative,
Petitioner may contact each reporter and negotiate the price for a transcript as each reporter is an
independent contractor when providing copies. The law Petitioner cites pertains *only* to when a
criminal defendant has filed a timely notice of appeal, but the record shows that Petitioner's
conviction was affirmed on February 26, 2003. Federal rules and law also does not apply to this
state court. Petitioner has not provided a factual basis for exactly why he wants a transcript, and
claiming indigence does not erase that requirement.

(23)

ORDER - 1

(A)(20)

1 In People v. Bzieff (1991) 226 Cal.App.3d 1689, the Court discussed United States v.
 2 MacCollom (1976) 426 US 317, where the US Supreme Court had upheld a federal statute which
 3 limited an indigent defendant's rights to transcripts: "The [MacCollom] court noted while an
 4 indigent defendant had an absolute right to transcripts on appeal, at the collateral relief stage he
 5 stood in a different position. (Citation). 'We think it enough at the collateral-relief stage that
 6 Congress has provided that the transcript be paid for by public funds if one demonstrates to a
 7 district judge that his . . . claim is not frivolous, and that the transcript is needed to decide an
 8 issue presented.' (Citation)." Id., at 1702.

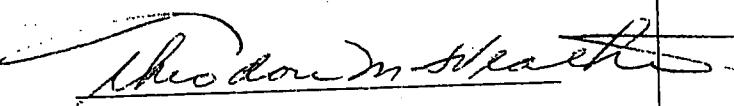
9 By denying this request, the Court is not abridging Petitioner's right of access to the
 10 documents he seeks. However, right of access is not the same as a right to have the taxpayers pay
 11 to make copies of transcripts. In addition, whether or not a copy of a transcript is in the file,
 12 Petitioner still must contact the court reporter who transcribed the pages sought to negotiate
 13 financial arrangements to pay for the document. As noted above, the Court may not provide free
 14 copies of transcripts unless Petitioner provides a factual basis for the request.

15 Apparently Petitioner is seeking a transcript from his sentencing hearing on February 20,
 16 2001. If that is true, he may contact reporter Karla Sterling at P.O. Box 120128, San Diego, CA.
 17 92112-0128, to make financial arrangements to pay for that transcript or provide the requisite
 18 factual basis to obtain that document for free.

19 Accordingly, for the above-stated reasons, Petitioner's motion is DENIED. It is further
 20 ordered that a copy of this Order be served upon Petitioner.

21 IT IS SO ORDERED.

22 DATED: 3-8-2007

23 
 24 THEODORE M. WEATHERS
 25 JUDGE OF THE SUPERIOR COURT

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO



Central Division
Court Reporter Services

Court Reporter Services
(619) 531-3964
Fax: (619) 515-8500

San Diego County Courthouse
220 West Broadway, Room 3005
San Diego, California 92101-3877

May 7, 2007

Ted D. Daniels / T-23705
Centinela State Prison
P.O. Box 911 / B5-147
Imperial, CA 92251

RE: Transcript Request
People vs. Ted Darnell Daniels
SCD149951
03-22-00

Dear Mr. Daniels,

We are in receipt of your letter dated April 16, 2007 requesting transcripts from Sue Turczyn.

Unfortunately, Ms. Turczyn is deceased and cannot produce a certified copy of these proceedings. Court reporter Mindy Barlow has volunteered to transcribe Ms. Turczyn's notes for that day. The estimate to produce this transcript is \$28.00 and production will begin after payment is received. This payment must be in the form of cash, cashiers check or money order made payable to Mindy Barlow (credit card and personal checks will not be accepted).

Sincerely,

Elizabeth Neal
Court Reporting Services

Mindy J. Barlow 5-24-07

Dear Mr. Daniels,

Enclosed is your transcript of the proceedings of March 22, 2000. As you know, Sue Turcyn is deceased, so I transcribed her notes. I have enclosed my card if you have any questions.

Sincerely,

Mindy Barlow

Ted D. Daniels #T-23705
Centinela State Prison
P.O. Box 911 / B5-147
Imperial, CA 92251

March 4, 2007

County Records Center-Archives
222 N. Hill Street, Room 212
Los Angeles, California 90012

Re; California Public Records Act
Request

Dear Clerk,

I am the defendant in People v. Daniels, superior court case no. A906892, and am now proceeding in pro per.

I am attempting to obtain a complete copy of that Trial Transcripts from (1983).

Please inform me to the total number of pages in the Transcripts, the total cost for a "certified copy" of the complete, the cost required (if necessary) for postage, and to whom payment needs to be addressed.

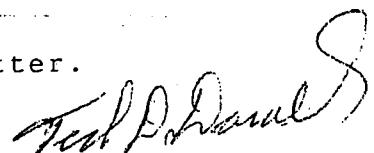
In the event this request cannot be completed, please, indicate the specific reasons that has prevented this request from being completed, including the name(s) of those refusing to complete this request and to what supervising personnel that I may direct further inquiry, if necessary regarding this matter.

For your convenience I have provided a self-addressed stamped envelope, for your prompt response.

Thank you for your time and cooperation with this matter.

Sincerely,

Ted D. Daniels



Los Angeles Superior Court

JOHN A. CLARKE
EXECUTIVE OFFICER/CLERK

COUNTY RECORDS CENTER-ARCHIVES
222 N. HILL STREET, ROOM 212
LOS ANGELES, CALIFORNIA 90012

CASE NO.: **A906892**

CASE NAME: **DANIELS**

DATE: **April 6, 2007**

We are returning your check in the amount of \$ for the reason checked below:

Check is not acceptable. Please return **NEW CHECK, CHECK**. If outside of the United States, amount must be remitted in United States currency. Please make check payable to the **LOS ANGELES SUPERIOR COURT**.

Information given to us is not sufficient. Information needed: **FULL NAME OF PARTIES INVOLVED,
APPROXIMATE YEAR ACTION WAS FILED AND THE CASE NUMBER IF AVAILABLE.**

As of this date, there is no record of the interlocutory, Judgment and/or Final Judgment.

Document that you have requested has not been filed as of this date and office policy does not permit us to hold your check any longer.

We are unable to ascertain just what documents you need from the information given.

The fee for copies is 0.50 cents per page (Section 26854 Government Code).

The fee for Certification is \$15.00 per document, in addition to any other fees. Exemplification fee \$20.00 in addition to any other fees.

The fee for Case Number Search is \$15.00 per name per case (Section 26854 Government Code).

In the future, we do not honor requests for information unless they are accompanied by a **SASE - STAMPED, SELF ADDRESSED ENVELOPE** for your reply.

The fee for examining a file or microfilm record and making a written report is \$7.00 for the first hour or fraction thereof, and \$5.00 each subsequent hour (Section 131.1 (c) Admin. Code. Los Angeles County).

The fee for a Clerk's Certificate is \$6.00 in addition to any other fee. (Section 131.1 Admin. Code, Los Angeles County).

Other: TRANSCRIPT YOU ARE LOOKING FOR IS NOT IN THE SUPERIOR COURT CASE FILE. FOLLOWS FACE PAGE ONLY OF THE APPEAL DOCUMENTS THAT WERE PLACED IN THE FILE. YOU MIGHT WANT TO TRY THE COURT OF APPEAL'S COURT REPORTER DIRECTLY. SHE/HE SHOULD KEEP RECORD OF THE TRANSCRIPTS FOR A LIMITED PERIOD OF TIME, AS WELL AS THE COURT OF APPEAL SHOULD HAVE CASE # B006312 (NOT A SUPERIOR COURT CASE)

John a. Clarke
executive officer/clerk of the Los Angeles Superior Court
County of Los Angeles

By:

A. Silva
(213)974-3594
974-3580

Court of Appeal - 2nd district

phone #(213) 830-7000

I was unable to find an

(28)

(A)(25)

J & J PHOTOCOPY
1313 W. 8TH STREET, #310
LOS ANGELES, CA 90017
(213) 484-2282-TEL.
(213) 483-2576-FAX.

FED. ID #33-0631612

DATE	RUSH	REG	INVOICE
COURT		CASE NUMBER	
CASE TITLE			
ORDERED BY:		PREPARE () SERVE () COPY () DOCUMENT DUE DATE: SUBPOENA FOR RECORDS ONLY () DOB: SSN: DOL:	
()			

SUBJECT :
RECORDS :

LOCATION OF RECORDS :

Court of Appeal

MEDICAL

BILLING

RADIOLOGY

OTHER

X-RAY (FILMS)

LOAN
COPY
\$/FILM

COPY DAYS/HOURS

COMMENTS:

\$140.00

Received \$140.00 for
prepayment of copy work
re: B. 006312

PAID in full

Richard Weld

J & J PHOTOCOPY SERVICE
1313 W. 8TH STREET #310
LOS ANGELES CA 90017

PAGE COUNT ROLL NO.
SERVER COPIER (213) 484-2282

DATE SERVED

TIME

DATE COPIED

TIME

1

2

3

4

5

6

7

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

8

9

TED DARNELL DANIELS,

10

Petitioner,

11

12

vs.

13

14

JEANNE S. WOODFORD, Director,

15

16

Respondent.

CASE NO. 04cv1639-DMZ(AC)

**ORDER ADOPTING REPORT
AND RECOMMENDATION OF
MAGISTRATE JUDGE AND
DENYING PETITION FOR WRIT
OF HABEAS CORPUS**

[Docs. 3, 5, 12]

17

18

19

20

21

22

23

24

25

26

27

28

Petitioner Ted Darnell Daniels, a state prisoner proceeding *pro se*, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his June 7, 2001 conviction for burglary, reckless driving, and three counts of assault with a deadly weapon. The Honorable William McCurine Jr., United States Magistrate Judge, has issued a Report and Recommendation ("R&R") pursuant to 28 U.S.C. § 636(b)(1) and Civ. L.R. HC.2, recommending that the Court deny the petition in its entirety. Petitioner has submitted his objections to the R&R. This Court has reviewed the R&R pursuant to 28 U.S.C. § 636(b)(1), which provides for *de novo* review of the Magistrate Judge's findings and recommendations to which objections have been made. For the reasons discussed below, the Court adopts Judge McCurine's recommendation and denies the petition.

///

I.

BACKGROUND

A. Factual Background

The following facts are taken from the California Court of Appeal's unpublished opinion in *People v. Daniels*, slip op. No. D038444 (Cal. Ct. App., 4th Dist. Div. 1, February 16, 2003). The Court relies upon these facts pursuant to 28 U.S.C. § 2254(e).

This saga began early on Christmas morning 1999, when San Diego Police responded to a burglary alarm at a Fry's Electronics store. A padlock securing the store's warehouse had been cut off, the warehouse entered and 41 laptop computers taken.

The first officer to respond was San Diego Police officer Kristen Adams. Adams observed a blue Ford van at the store with three men in it. The van drove away, passing the police car as it left the store. Officer Adams observed Daniels driving the van. Officer Adams began a pursuit with emergency lights and siren that would continue for many miles, at high speeds and ultimately involving multiple police officers and vehicles.

When the van left the Fry's lot it headed south on I-15 and then onto 40th Street. At the intersection of 40th and Monroe the van stopped briefly, the passenger and side doors opened and two men fled from the van. The van then sped away with police in pursuit. The chase continued south on I-15 until the van exited at Market Street. Running red lights, the van headed back to I-15 northbound at high speed. It crashed through orange barriers at a point where the road was closed for construction. Flat tires as a result of following Daniels and the van through the construction disabled one of the police cars in pursuit.

The chase continued northbound on I-15 at speeds in excess of 100 miles per hour. Traffic officers tried to overtake the van, get ahead of it and lay down nail strips in the roadway. One of the officers drove alongside the van and observed Daniels as the driver and sole occupant. Daniels made an abrupt exit from the freeway and returned heading south again, with police in pursuit. Eventually police abandoned the idea of laying nail strips to stop the van because of the dangerous and erratic manner in which Daniels was driving.

Daniels continued southbound at high rates of speed. Ultimately he entered I-8 eastbound until he pulled over just west of the Waring Road exit. As police slowed to approach the van, Daniels made a U-turn and started driving west in the eastbound lanes of I-8. Officer Kyler positioned his car across lanes 1 and 2 at a 45-degree angle. Daniels looked directly at the patrol car, "just gassed it" and headed towards the patrol car. His van struck the left front of the patrol car, even though there was room for him to drive past it.

After hitting Kyler's car, Daniels proceeded west in the eastbound lanes of I-8. Daniels next drove at Sergeant Reschke's car, striking the front of the patrol car. Daniels drove on west bound until his car became disabled a short distance later. Daniels fled from the car and was located hiding in a nearby riverbed. By the time the pursuit ended, police had been chasing Daniels for 42 minutes.

Daniels testified on his own behalf and said he was not the driver of the van. He offered an explanation for his presence in the van and testified that an Asian man was

1 driving throughout the police pursuit. He said that when the van was disabled he and the Asian man fled. He was later apprehended by police.

3 The defense called Ronald Carr, an expert witness, to testify as an accident
4 reconstructionist. He discussed his view of the accidents, indicating he thought the van
did not hit any of the patrol cars head on. He found it impossible to determine what,
if any, damage occurred to the van during the encounter.

B. Procedural Background

On June 7, 2001, Petitioner was convicted in San Diego County Superior Court of burglary in violation of California Penal Code § 459, evading an officer with reckless driving in violation of California Vehicle Code § 2800.2, and three counts of assault with a deadly weapon in violation of California Penal Code §§ 245(a)(1) and 1192.7(c)(23). The jury found that Petitioner had suffered a prior serious felony conviction, two “strike” convictions, and five prison priors within the meaning of California Penal Code §§ 667(a), 667(b)-(i), and 667.5(b). (Lodgment No. 2, 15 Reporter’s Transcript (“RT”) at 894-97; Answer at 2; First Amended Petition (“Petition”) at 2.) Petitioner was sentenced to fifty-five years-to-life in state prison. (Lodgment No. 2, 16 RT at 945; Petition at 2.)

Petitioner appealed his conviction to the California Court of Appeal on grounds that there was insufficient evidence to support his convictions for assault with a deadly weapon. (Lodgment No. 3, *People v. Daniels*, No. D038444, SCD 149951, slip op. at 13 (Cal. Ct. App. April 9, 2002); Petition at 2.) The Court of Appeal affirmed his conviction on February 26, 2003. (Lodgment No. 4, *People v. Daniels*, No. D038444, slip op. (Cal. Ct. App. Feb. 26, 2003); Petition at 2.) Thereafter, Petitioner sought review with the California Supreme Court. (Lodgment No. 5, *California v. Daniels*, No. SD2001DA1314 (Cal. April 10, 2003); Petition At 2.) His appeal was denied on May 14, 2003. (Lodgment No. 5, *People v. Daniels*, No. S114808, slip op. (Cal. May 14, 2003); Petition at 2.)

23 Petitioner also filed a habeas petition in San Diego County Superior Court claiming ineffective
24 assistance of trial and appellate counsel. (Lodgment No. 6, *In re: Daniels*, No. HC17735, SCD
25 149951 (Cal. Super. Ct. Aug. 4, 2004); Petition at 3.) That petition was denied on August 4, 2004.
26 (Lodgment No. 6, *In re: Daniels*, No. HC17735, SCD 149951, slip op. at 3; Petition at 3.) Similar
27 petitions were summarily denied by the California appellate court on December 7, 2004, and by the
28 California Supreme Court on March 2, 2005. (Pet. at 3-4; Lodgment No. 7, *In re: Daniels*, No.

1 S130029, slip op. at 1 (Cal. March 2, 2005).)

2 Petitioner filed the instant petition in this Court on August 11, 2004. (Doc. No. 1.) Thereafter,
3 Respondent filed a Motion to Dismiss on September 14, 2004. (Doc. No. 5.) On October 6, 2004,
4 Petitioner filed a Motion to Stay Pending Exhaustion of Unexhausted Claim in State Court and an
5 Opposition to the Motion to Dismiss. (Doc. No. 8.) On April 6, 2005, the Court denied the Motion
6 to Dismiss, denied the Motion for Appointment of Counsel, and denied the Motion to Stay as moot.
7 (Doc. No. 13.)

8 After exhausting his state court remedies, Petitioner filed a First Amended Petition for Writ
9 of Habeas Corpus on April 7, 2005. (Doc. No. 14.) Respondent filed an Answer to the Petition on
10 July 12, 2005. (Doc. No. 30.) Petitioner filed a Traverse on September 14, 2005. (Doc. No. 37.)

11 Petitioner challenges his convictions for burglary, reckless driving, three counts of assault with
12 a deadly weapon, and findings that he suffered one serious felony conviction, two "strike" convictions,
13 and five prison priors. (Petition at 2.) He argues the Petition should be granted on the following
14 grounds: (1) insufficient evidence to support the convictions for assault with a deadly weapon; (2)
15 ineffective assistance of trial counsel; and (3) ineffective assistance of appellate counsel.

16 II.

17 STANDARD OF REVIEW

18 A. Legal Standard for Review of R&R

19 The duty of the district judge regarding the review of an R&R is set forth in Fed. R. Civ. P.
20 72(b) and 28 U.S.C. § 636(b)(1). Where objections are filed, section 636(b)(1) directs the district
21 judge to review *de novo* those portions of the R&R to which objections have been made. *See Hunt*
22 *v. Pyler*, 384 F.3d 1118, 1124–25 (9th Cir. 2004). The district judge may then accept, reject, or
23 modify, in whole or in part, the magistrate judge's findings and recommendations. 28 U.S.C.
24 § 636(b)(1).

25 However, as to those portions of the R&R to which no objections have been made, the district
26 judge may assume the correctness of the magistrate judge's findings and recommendations. *See U.S.*
27 *v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) ("the district judge must review the
28 magistrate judge's findings and recommendations *de novo* if objection is made, but not otherwise.");

1 see also *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985) (“It does not appear that Congress intended to
2 require district court review of a magistrate’s factual or legal conclusions, under a *de novo* or any
3 other standard, when neither party objects to those findings.”). A failure to object is deemed a sort of
4 “procedural default,” waiving the party’s right to review by the district judge. *Id.* at 151.

5 **B. AEDPA Standard of Review**

6 Because Petitioner filed his habeas corpus petition after the passage of the Anti-Terrorism and
7 Effective Death Penalty Act of 1996 (AEDPA), the Court’s review is limited by the provisions set
8 forth in 28 U.S.C. § 2254(d). Under this standard, a habeas petitioner is not entitled to relief unless
9 he can demonstrate that the State court’s adjudication of his claim: (1) resulted in a decision that was
10 contrary to, or involved an unreasonable application of, clearly established Federal law, as determined
11 by the Supreme Court of the United States; or (2) resulted in a decision that was based on an
12 unreasonable determination of the facts in light of the evidence presented in the State court
13 proceeding. 28 U.S.C. § 2254(d)(1)–(2). As such, section 2254(d)(1) imposes a “highly deferential
14 standard for evaluating State-court rulings,” and “demands that State court decisions be given the
15 benefit of the doubt.” *Clark v. Murphy*, 331 F.3d 1062, 1067 (9th Cir. 2003) (*citing Lindh v. Murphy*,
16 521 U.S. 320, 333 (1997), and *Woodford v. Visciotti*, 537 U.S. 19 (2002)).

17 **III.**

18 **DISCUSSION**

19 As discussed, Petitioner challenges his convictions based on: 1) insufficient evidence to
20 support the convictions for assault with a deadly weapon; 2) ineffective assistance of trial counsel; and
21 3) ineffective assistance of appellate counsel. Petitioner, however, filed no objections to the R&R’s
22 denial of his claim based on sufficiency of the evidence. The Court therefore addresses only
23 Petitioner’s second and third arguments.

24 **A. Ineffective Assistance of Trial Counsel**

25 Petitioner claims his Sixth Amendment right to effective assistance of counsel was violated
26 as a result of his trial attorney’s failure to investigate or subpoena witnesses as well as his failure to
27 object to evidence of his prior convictions presented at trial. (Petition at 7.) Under *Strickland v.*
28 *Washington*, 466 U.S. 668 (1984), a petitioner seeking to establish ineffective assistance of counsel

1 must establish that the attorney's representation did not meet an objective standard of reasonableness
 2 and that there is a reasonable probability of a different result *but for* the attorney's errors. *Strickland*,
 3 466 U.S. at 688, 694. To prevail, the petitioner must prove both requirements, and the Court may
 4 reject his claim by finding either that the attorney's performance was reasonable or that the claimed
 5 error was not prejudicial. *Id.* at 697.

6 **1. Failure to Investigate and Subpoena Witnesses**

7 With respect to Petitioner's contention that his trial attorney failed to investigate and subpoena
 8 witnesses, the R&R concludes: (1) Petitioner fails to satisfy the first *Strickland* requirement because
 9 the attorney's decisions were reasonable under the circumstances; and (2) Petitioner fails to satisfy
 10 the second *Strickland* requirement because he does not show a reasonable probability of a different
 11 result *but for* the attorney's performance. (R&R at 10.)

12 Petitioner objects to the R&R on the grounds that his trial attorney's decision to allow
 13 videotape (rather than live) testimony of defense expert Ronald Carr constitutes ineffective assistance
 14 of counsel.¹ (Objections at 3.) Specifically, Petitioner argues his attorney's examination was
 15 inadequate because the videotape was viewed by the jury on a thirteen-inch television screen and was
 16 poorly edited, resulting in an "inconsistent and inadequate series of meaningless questions" that were
 17 contrary to the evidence and "served only to confuse the [jury]." (*Id.*) Further, Petitioner argues his
 18 trial attorney deliberately failed to familiarize herself with Mr. Carr's testimony and was therefore
 19 unable to lay a proper foundation during her examination. (*Id.*) Finally, Petitioner objects to the
 20 R&R's finding that his attorney's decision not to call a second defense expert, Donald R. Parisette,
 21 was reasonable because the testimony would have been similar to that of Mr. Carr. (*Id.* at 4.)

22 With respect to the first *Strickland* requirement, the Court finds Petitioner fails to demonstrate
 23 the attorney's decisions were objectively unreasonable. *Strickland* requires a strong presumption that
 24 an attorney's conduct falls within a wide range of reasonable assistance. *Strickland*, 466 U.S. at 688.
 25 As the R&R correctly notes, the attorney's decision to videotape Mr. Carr's testimony was clearly

26 ¹ Petitioner requests judicial notice of (1) the records in the Court of Appeal action, and (2)
 27 Defendant's Exhibit R, which is a videotape of Mr. Carr's testimony. [Doc. No. 41.] The Court
 28 grants Petitioner's unopposed request for judicial notice, as judicial notice of court records is routinely
 accepted. See, e.g., *Valerio v. Boise Cascade Corp.*, 80 F.R.D. 626, 635, n. 1 (N.D. Cal. 1978), *aff'd*,
 645 F.2d 699 (9th Cir. 1981).

1 reasonable under the circumstances. (R&R at 10.) This method was the best means by which Mr.
 2 Carr could testify on Petitioner's behalf as he was about to depart on a five-week vacation. (Lodgment
 3 No. 2, 8 RT at 2-6.) His testimony was videotaped so the trial could proceed; it was agreed to by both
 4 parties and presented to the jury as recorded. (Lodgment No. 2, 8 RT at 17-18.) Though Petitioner's
 5 attorney periodically paused the tape to allow the jury to view relevant exhibits, nothing in the record
 6 indicates that the attorney's presentation of the testimony or her decision to use a videotape was
 7 unreasonable. (Lodgment No. 2, 12 RT at 492-497.)

8 With respect to the second prong of the *Strickland* analysis, the Court finds that Petitioner fails
 9 to show a reasonable probability of a different result but for deficiencies in his attorney's
 10 representation. To meet the standard, any deficiencies must prejudice the defense, rebutting a strong
 11 presumption of reasonable conduct. *Strickland*, 466 U.S. at 691. As the R&R notes, Petitioner's
 12 argument that the videotape was poorly edited is not supported by the record because there is no
 13 evidence the tape was edited. (R&R at 10.) Furthermore, Petitioner's unsupported allegation that the
 14 jury's viewing of the testimony on a thirteen-inch television screen was prejudicial because some
 15 members of the jury "fell asleep" fails to demonstrate a reasonable probability of a different result but
 16 for the attorney's decisions. (Objections at 3.)² As Petitioner offers no other reason to support his
 17 argument, he fails to satisfy the second prong of *Strickland*. (R&R at 10).³

18 2. Failure to Object to Evidence of Prior Convictions

19 Petitioner contends his attorney was ineffective because she did not object to exhibits and
 20 evidence regarding Petitioner's prior convictions, thereby preventing a fair and impartial trial.⁴

21 ² Petitioner provides no evidence in support of his allegation that jurors fell asleep during the
 22 videotape testimony.

23 ³ As noted above, Petitioner also argues the trial attorney's failure to subpoena Mr. Parisette
 24 was unreasonable. Here also Petitioner fails to satisfy the *Strickland* requirements. As indicated by
 25 the record, his attorney made every effort to reach Mr. Parisette but failed because Mr. Parisette was
 26 on vacation. (Lodgment No. 2, 8 RT at 2-6.) The Court must give deference to the attorney's
 27 decisions under *Strickland*, and Petitioner has not shown how his trial attorney's failure to call Mr.
 28 Parisette falls short of an objective standard of reasonableness. See *Strickland*, 466 U.S. at 688, 689.
 Although Petitioner objects to the R&R's finding that Mr. Parisette's testimony would have been
 duplicative of Mr. Carr's, he does not offer any reasons demonstrating a reasonable probability of a
 different result but for his attorney's failure to obtain said testimony. (Objections at 4.) As such, his
 objection fails to satisfy the *Strickland* requirements.

4 On June 22, 2006, Petitioner filed supplemental objections to the R&R raising this argument.

1 (Petition at 7.) Specifically, Petitioner contends Exhibit 30 (evidence regarding Petitioner's prior
 2 robbery conviction for which he was ultimately acquitted) was unreasonably admitted as evidence,
 3 and therefore his attorney's failure to object to the exhibit satisfies the first *Strickland* requirement.
 4 The R&R concludes that even assuming Petitioner's allegation satisfies the first *Strickland* prong, he
 5 fails to meet the second *Strickland* prong requiring a showing of a reasonable probability of a different
 6 result but for inadequate representation. (R&R at 11-12.)

7 In his Objections, Petitioner contends his attorney's failure to object to Exhibit 30 was
 8 unreasonable under the first *Strickland* requirement because the exhibit referred to charges for which
 9 Petitioner was ultimately acquitted. (*Id.* at 4.) However, he fails to address the second *Strickland*
 10 requirement – in his Objections or elsewhere – and offers no argument that the jury's verdict would
 11 have been different but for his attorney's failure to object. (Objections at 4-7; Traverse at 11.)
 12 Petitioner contends evidence of the prior convictions “[posed] a tremendous risk” that the Jury would
 13 choose to convict him based on a theory of propensity for violence. (Traverse at 11-12.)
 14 Notwithstanding Petitioner's argument, in light of the “number and severity of Petitioner's past
 15 convictions, it is highly unlikely that this one piece of evidence swayed the jury enough to convict
 16 Petitioner.” (R&R at 12; Lodgment No. 2, 10 RT 127-28.) Furthermore, the jury was given specific
 17 instructions to ensure that they would use past convictions properly. (*Id.* at 12.) Petitioner's
 18 argument, therefore, is not sufficient to rebut the strong presumption of reasonable conduct that
 19 *Strickland* requires. *Strickland*, 466 U.S. at 688.⁵

20 **B. Ineffective Assistance of Appellate Counsel**

21 Petitioner contends he was deprived of effective assistance of appellate counsel in violation
 22 of his Fourteenth Amendment rights because his attorney failed to challenge the trial court's decision
 23 not to bifurcate the trial on prior convictions. (Pet. at 8.) Appellate counsel, however, is permitted
 24 to select the issues for appeal and does not have to raise every nonfrivolous claim. *Smith v. Robbins*,

25

⁵ Additionally, Petitioner objects to the R&R on the ground that the Magistrate Judge failed
 26 to consider the cumulative effect of counsel's alleged errors. Citing *Crisp v. Duckworth*, 743 F.2d 580
 27 (7th Cir. 1984), Petitioner argues that while the individual errors may not warrant relief, “[t]heir
 28 cumulative effect may be substantial enough to meet the *Strickland* [] test.” (Objections at 2.) Although Petitioner correctly cites the law, the Court concludes that the cumulative effect of the
 alleged errors neither establishes that the representation fell below an objective standard of
 reasonableness nor that but for counsel's alleged errors, the result of the proceeding would have been
 different.

1 528 U.S. 259, 288 (2000) (*citing Jones v. Barnes*, 463 U.S. 745 (1983)). While “it is still possible to
2 bring a *Strickland* claim based on counsel’s failure to raise a particular claim,” it is “difficult to
3 demonstrate that counsel was incompetent.” *Id.* at 288. Counsel is only ineffective if the issues not
4 raised are shown to be stronger than the issues presented. Furthermore, counsel may reasonably
5 conclude that including weaker arguments would not be effective and might actually weaken the force
6 of stronger arguments. *Jones*, 463 U.S. at 745.

7 The R&R concludes Petitioner fails to meet the *Strickland* requirements to establish that he
8 was deprived of ineffective assistance of appellate counsel. It finds Petitioner fails to satisfy the first
9 *Strickland* requirement – representation that is objectively unreasonable – and concludes Petitioner’s
10 appellate attorney acted reasonably given the circumstances of the case. (R&R at 13.) The R&R
11 notes that although the trial judge tentatively agreed to bifurcate the trial, the court ultimately decided
12 against bifurcation *after* Petitioner elected to testify and refused to admit prior convictions that the
13 prosecutor appropriately attempted to use for impeachment. (R&R at 13; Lodgment No. 2, 10 RT
14 126-132.)

15 The R&R recommends Petitioner’s claim with respect to ineffective assistance of appellate
16 counsel be denied because Petitioner has not presented the Court with any evidence that the
17 bifurcation issue is stronger than the issues his appellate counsel chose for appeal, or that the
18 attorney’s failure to raise the bifurcation issue on appeal was unreasonable under *Strickland*. (R&R
19 at 13-14.) As noted above, appellate counsel is permitted to choose which issues to appeal and is
20 generally only ineffective if the issues not chosen are shown to be stronger than those presented. *See*
21 *Smith*, 528 U.S. at 288. Furthermore, the R&R concludes that given the circumstances presented,
22 Petitioner’s appellate counsel acted reasonably and within her discretion in deciding not to pursue this
23 issue on appeal. (R&R at 14.)

24 The Court agrees with the R&R that Petitioner fails to satisfy the *Strickland* requirements here.
25 In his Objections, Petitioner addresses reasons why he refused to admit his prior convictions,
26 including that the trial court made it clear he would be impeached with his prior convictions were he
27 to testify. (Objections at 8.) Further, Petitioner makes a general argument regarding ineffective
28 assistance of counsel, contending the force of his own testimony was “probably undercut by the
[jury’s] [k]nowledge of [his] prior convictions.” (Objections at 8.) However, Petitioner does not

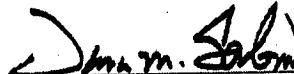
1 address (1) whether his attorney's representation meets an objective standard of reasonableness, or
2 (2) whether there was a reasonable probability of a different result but for attorney error. *Strickland*,
3 466 U.S. at 688, 694. In addition, Petitioner fails to address why the bifurcation issue was stronger
4 than the issues his attorney chose to appeal. The Court adopts the R&R's recommendation to deny
5 Petitioner's claim of ineffective assistance of appellate counsel.

6 **IV.**7 **CONCLUSION AND ORDER**

8 For these reasons, the Court **ADOPTS** the R&R in its entirety. The Petition for Writ of
9 Habeas Corpus is **DENIED**. The Clerk shall enter judgment accordingly.

10 **IT IS SO ORDERED.**

11 DATED: December 8, 2006

12 
13 HON. DANA M. SABRAW
United States District Judge

14 CC: JUDGE MCCURINE
15 ALL PARTIES

16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

TED DARNELL DANIELS,

Petitioner,

vs.

JEANNE S. WOODFORD, Director,

Respondent.

CASE NO. 04cv1639-DMZ(AC)

**ORDER DENYING REQUEST
FOR CERTIFICATE OF
APPEALABILITY**

On December 8, 2006, this Court entered judgment denying the petition for a writ of habeas corpus brought by Petitioner pursuant to 28 U.S.C. § 2254. On January 3, 2007, Petitioner filed a Notice of Appeal and a Request for Certificate of Appealability. A certificate of appealability is authorized "if the applicant has made a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). "A petitioner satisfies this standard by demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). See also *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Having reviewed the petition, the R&R and the December 8, 2006 Order denying the petition, the Court finds Petitioner has failed to demonstrate that reasonable jurists would find this Court's

1 denial of his petition debatable. Therefore the Court denies Petitioner's request for a certificate of
2 appealability.

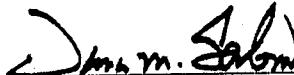
3

4 **IT IS SO ORDERED.**

5 DATED: January 9, 2007,

6

7


HON. DANA M. SABRAW
United States District Judge

8

9 CC: JUDGE MCCURINE
ALL PARTIES

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

FILED

AUG 8 3 2007

**CATHY A. GATTERSON, CLERK
U.S. COURT OF APPEALS**

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

TED DARNELL DANIELS,

No. 07-55039

Petitioner - Appellant,

V.

JEANNE S. WOODFORD, Director,

D.C. No. CV-04-01639-DMS
Southern District of California,
San Diego

Respondent - Appellee.

ORDER

Before: HAWKINS and BYBEE, Circuit Judges.

The request for a certificate of appealability is denied. See 28 U.S.C.

§ 2253(c)(2). All pending motions and requests are denied.

(A)(39)

Court of Appeal
FOURTH APPELLATE DISTRICT
Division One
750 B Street, Suite 300
San Diego, CA 92101
www.courtinfo.ca.gov/courts/courtsofappeal
(619) 645-2760

June 29, 2007

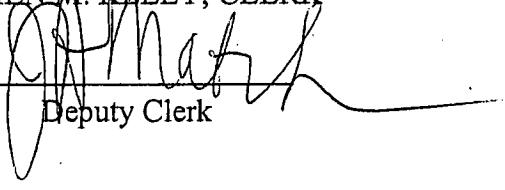
RE: In re TED DARNELL DANIELS on Habeas Corpus.
D051173
San Diego County No. SDC149951

Dear Petitioner:

Your petition for writ of habeas corpus has been received and filed on June 28, 2007, and assigned case number D051173. It is currently pending before the court. You will be notified of the court's decision once it has been rendered.

Please notify the court should you have a change of address.

STEPHEN M. KELLY, CLERK

BY: 

Deputy Clerk

(A)(40)
(A)(40)

COURT OF APPEAL - FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

SEP 13 2007

In re TED DARNELL DANIELS
on
Habeas Corpus.

D051173

(San Diego County
Super. Ct. No. SDC 149951)

Fourth Appellate District

THE COURT:

The petition for writ of habeas corpus has been read and considered by Justices Huffman, Haller and O'Rourke. We take judicial notice of petitioner's direct appeal *People v. Daniels*, No. D038444, and prior habeas petition No. D044956.

The petition is procedurally barred because it is untimely and successive, and petitioner has not established an exception to the procedural bar. (*In re Clark* (1993) 5 Cal.4th 750, 765, 767-768, 783, 797-798; *In re Bower* (1983) 38 Cal.3d 865, 873.)

To the extent petitioner relies on *Cunningham v. California* (2007) 127 S.Ct. 856, the petition is denied because *Cunningham* does not apply retroactively to cases such as petitioners that were final when *Cunningham* was decided. (*In re Gomez* (2007) 153 Cal.App.4th 1516, 1520-1523; see also *In re Consiglio* (2005) 128 Cal.App.4th 511, 516.)

The petition is denied.


O'ROURKE, Acting P. J.

Copies to: All parties

(A)(41)

Name TED Darnell Daniels
 Address Centinela State Prison
P.O. Box 911 / B5-147
Imperial, California 92251

CDC or ID Number T-23705

SUPREME COURT
FILED

OCT 24 2007

Frederick K. Ohlrich Clerk

IN THE SUPREME COURT

OF CALIFORNIA

(Court)

Deputy

PETITION FOR WRIT OF HABEAS CORPUS

S 157533

No. _____
(To be supplied by the Clerk of the Court)

TED DARNELL DANIELS,

Petitioner

vs.

V. ALMAGER, Warden,

Respondent

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.
- Read the entire form before answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the Superior Court, you need file only the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal, file the original and four copies of the petition and, if separately bound, one copy of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and ten copies of the petition and, if separately bound, two copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.
- In most cases, the law requires service of a copy of the petition on the district attorney, city attorney, or city prosecutor. See Penal Code section 1475 and Government Code section 72193. You may serve the copy by mail.

Approved by the Judicial Council of California for use under Rule 60 of the California Rules of Court [as amended effective January 1, 2005]. Subsequent amendments to Rule 60 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

Page one of six

S157533

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re TED DARNELL DANIELS on Habeas Corpus

The petition for writ of habeas corpus is denied.

George, C. J., was absent and did not participate.

**SUPREME COURT
FILED**

APR 28 2008

Frederick K. Ohlrich Clerk

Deputy

WERDEGAR
Acting Chief Justice

(A)(43)

Ted D. Daniels #T-23705
Centinela State Prison
P.O. Box 911 / B5-147
Imperial, CA 92251

In Pro. Per.

IN THE SUPREME COURT
OF CALIFORNIA

In re) No. _____
TED DARNELL DANIELS) Superior Court No. SDC 149951
On habeas corpus.) Appeal Court No. D051173
) DECLARATION AND EXPOUNDING STATEMENT
) OF TED D. DANIELS IN SUPPORT OF PETITIO
) ON SENTENCING

RECEIVED

OCT 24 2007

(SUBSEQUENT PETITION ON SENTENCING) CLERK SUPREME COURT

ALL EXHIBIT ARE PART OF RECORDS FROM

TRIAL AND CLERK's TRANSCRIPT

(People v. Daniels #D03844) AND (People v. Daniels #B006312)

EXHIBIT

B

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SAN DIEGO
3 DEPARTMENT 12 BEFORE HON. DAVID M. SZUMOWSKI, JUDGE
4
5

6 THE PEOPLE OF THE STATE OF CALIFORNIA,)
7 PLAINTIFF,) NO. SCD149951
8 VS.) PAGES 1 - 5
9 TED DARNELL DANIELS,)
10 DEFENDANT.)
11)
12

REPORTER'S TRANSCRIPT

MARCH 22, 2000

14
15 APPEARANCES:
16

17 FOR THE PEOPLE: BONNIE DUMANIS,
18 DISTRICT ATTORNEY
19 BY: GREGORY A. WALDEN, ESQUIRE
DEPUTY DISTRICT ATTORNEY
20
21

22 FOR THE DEFENDANT: DARYL DWORAKOWSKI, ESQUIRE
23 1043 CIVIC CENTER DRIVE WEST
24 SANTA ANA, CA 92703
25
26

27 MINDY J. BARLOW, CSR #10009
28 OFFICIAL COURT REPORTER
SAN DIEGO, CALIFORNIA

1 SAN DIEGO, CALIFORNIA, WEDNESDAY, MARCH 22, 2000, 8:30 A.M.

2 - 000 -

3 THE BAILIFF: ITEM NO. 9, DANIELS.

4 MR. DWORAKOWSKI: GOOD MORNING. DARYL DWORAKOWSKI
5 WITH MR. DANIELS. HE'S PRESENT, OUT OF CUSTODY.

6 MR. DANIELS, WOULD YOU STEP FORWARD TO THE
7 BAILIFF, PLEASE.

8 I WOULD BE -- I WOULD BE -- RESPECTFULLY BE
9 MAKING THE MOTION TO CONTINUE MR. DANIELS' MATTER TO A DATE
10 THAT'S MUTUALLY ADVANTAGEOUS FOR BOTH PARTIES. I WAS HOPING
11 THE BEGINNING OF MAY, ON MAY THE 9TH, FOR TRIAL.

12 THE COURT: DO YOU WANT TO SET ANOTHER READINESS
13 CONFERENCE?

14 MR. DWORAKOWSKI: YES, I DO.

15 MR. WALDEN: I ALSO FILED AN AMENDED.

16 THE COURT: ALL RIGHT.

17 MR. WALDEN: WE'VE GOT THAT UP THERE SOMEPLACE.

18 MR. DWORAKOWSKI: I HAVE NOT RECEIVED A COPY.

19 THE COURT: ALL RIGHT. ALL RIGHT. WHEN YOU GET A
20 COPY OF THE AMENDED, YOU CAN ARRAIGN YOUR CLIENT ON THE
21 AMENDED.

22 MR. DWORAKOWSKI: THANK YOU.

23 (BRIEF PAUSE IN THE PROCEEDINGS.)

24 MR. DWORAKOWSKI: I HAVE A COPY OF THE AMENDED. I'LL
25 WAIVE FORMAL READING; I WILL ENTER A NOT GUILTY PLEA, DENY
26 ANY SPECIAL ALLEGATIONS CONTAINED WITHIN.

27 THE COURT: ALL RIGHT.

28 MR. DANIELS, HOW DO YOU PLEAD TO THE CHARGES IN

1 THE AMENDED FORM, GUILTY OR NOT GUILTY?

2 THE DEFENDANT: NOT GUILTY.

3 THE COURT: DO YOU DENY THE ALLEGATIONS?

4 THE DEFENDANT: YES.

5 THE COURT: ALL RIGHT.

6 NOW, AS TO A CONTINUANCE, MR. WALDEN?

7 MR. WALDEN: WE'RE GOING TO OBJECT TO ANY CONTINUANCE.
8 WE'RE ALSO GOING TO BE ASKING, BECAUSE OF THE CHANGE IN
9 CIRCUMSTANCES, THAT THE -- NOW IT'S A STRIKE CASE, THAT NOW
10 THAT THE BAIL BE INCREASED.

11 I THINK I OUTLINED IN CHAMBERS THE
12 CIRCUMSTANCES SURROUNDING THIS PARTICULAR CASE. THE COURT
13 KNOWS THE FULL HISTORY OF MR. DANIELS, THE PAST HISTORY,
14 INCLUDING THE TWO ROBBERIES, AND A RECORD THAT GOES BACK
15 SOME ALMOST 20 YEARS.

16 NOW, THIS CASE WAS RATHER SUBSTANTIAL INsofar
17 AS THE VALUE OF WHAT WAS TAKEN: \$85,000 WORTH OF LAPTOP
18 COMPUTERS, A RATHER SOPHISTICATED PLAN THAT ENDED UP IN A
19 HIGH-SPEED CHASE THAT I BELIEVE EXCEEDED 100 MILES AN HOUR
20 ON SEVERAL FREEWAYS. POLICE CARS WERE IN PURSUIT; IN FACT,
21 MR. DANIELS AT ONE TIME MADE A U-TURN, WENT BACK AT A POLICE
22 CARS AND ENDED UP RAMMING A COUPLE OF POLICE IN AN ATTEMPT
23 TO GET AWAY.

24 AND, AS A RESULT, THE BAIL, AS PRESENTLY SET,
25 WE THINK IS QUITE INSUBSTANTIAL.

26 THE COURT: COUNSEL, AS TO THE BAIL ISSUE?

27 MR. DWORAKOWSKI: THE STRIKE THAT'S BEING FILED IN THE
28 NEW FORM, JUDGE DEDDEH, I BELIEVE IT'S A 211. IT'S ANOTHER

1 COUNT OF 211 THAT WAS INVOLVED IN THE SAME CASE WHERE MR.
2 DANIELS PLED TO A 211 THAT IS BEING PLED ON THE COMPLAINT.
3 IT'S NOT A NEW CRIME OR A NEW EPISODE OF CRIMINAL ACTIVITY;
4 IT'S JUST ANOTHER COUNT.

5 MR. DANIELS AND I HAVE DISCUSSED THIS SCENARIO,
6 AND SO MR. DANIELS KNEW THAT THIS POSSIBILITY EXISTED, THAT
7 THE PEOPLE COULD FILE AN AMENDED FORM.

8 HE HAS MADE EVERY SINGLE ONE OF HIS COURT
9 APPEARANCES; I EXPECT MR. DANIELS TO CONTINUE MAKING HIS
10 COURT APPEARANCES, SO, GIVEN THOSE CIRCUMSTANCES, I WOULD
11 RESPECTFULLY BE REQUESTING THE COURT TO LEAVE MR. DANIELS ON
12 THE SAME BAIL HE'S --

13 THE COURT: ALL RIGHT.

14 WELL, I THINK THAT THE ONE MORE STRIKE CHANGES
15 THE COMPLEXION OF THIS CASE. THERE'S VERY SERIOUS CONDUCT
16 INVOLVED IN THIS CASE AS WELL, AND, SO, GIVEN THE FACT THAT
17 NOW HE'S FACING A LIFE SENTENCE RATHER THAN A DETERMINATE
18 SENTENCE, I THINK THAT IT'S APPROPRIATE TO INCREASE THE
19 BAIL. SO I'M GOING TO INCREASE THE BAIL TO \$100,000. THE
20 BAIL THAT'S CURRENTLY SET WILL BE EXONERATED, AND THE BAIL,
21 THE CASH BAIL THAT HE'S CURRENTLY PAID, WILL BE EXONERATED,
22 AND IT WILL BE \$100,000 BAIL.

23 I'M GOING TO -- DOES HE STILL WANT TO CONTINUE
24 HIS CASE?

25 MR. DWORAKOWSKI: WELL, MAY I HAVE A MOMENT WITH MR.
26 DANIELS, PLEASE?

27 THE COURT: SURE.

28 (BRIEF PAUSE IN THE PROCEEDINGS.)

1 MR. WALDEN: AS FAR AS THE PAPERWORK ON THE PRIORS IS
2 CONCERNED, I CAN PROVIDE THAT TO HIM --

3 IF YOU'D LIKE TO STICK AROUND SO WE CAN GET
4 THAT TAKEN CARE OF RIGHT AWAY.

5 THE COURT: ALL RIGHT. WELL, AGAIN, I'M INCLINED TO
6 GRANT -- I'M INCLINED TO GRANT THE CONTINUANCE.

7 MR. DWORAKOWSKI: AND I WOULD STILL BE ASKING FOR THE
8 CONTINUANCE.

9 THE COURT: MR. DANIELS, YOU HAVE A RIGHT TO GO TO
10 TRIAL ON THE DATE WHICH HAS PREVIOUSLY BEEN SET, WHICH I
11 BELIEVE IS APRIL 5. DO YOU GIVE UP THAT RIGHT AND AGREE
12 THAT I CAN CONTINUE YOUR CASE UNTIL MAY 9, THERE BEING TEN
13 DAYS REMAINING TO GET YOUR CASE OUT?

14 THE DEFENDANT: YES.

15 THE CLERK: MAY 9TH, 2000, 9:00 A.M., DEPARTMENT 11.

16 MR. DWORAKOWSKI: THAT'S DEPARTMENT 11?

17 THE COURT: YES, DEPARTMENT 11.

18 SIR, YOU'RE ORDERED TO APPEAR ON THAT DATE.

19 COUNSEL, DO YOU WANT TO SET A NEW READINESS
20 DATE ON THAT?

21 MR. DWORAKOWSKI: I WOULD PREFER JUST TO LEAVE IT.

22 THE COURT: ALL RIGHT.

23 MR. DWORAKOWSKI: AND IS IT POSSIBLE FOR ME TO
24 COMMUNICATE WITH MY CLIENT?

25 THE COURT: NO. WHEN THEY TAKE HIM BACK. IF YOU WANT
26 TO STICK AROUND, THEY'LL ARRANGE THAT. THEY NEED TO TAKE
27 HIM BACK NOW.

28 THE BAILIFF: IF YOU WANT TO WAIT A FEW MINUTES, I'LL

1 SEE WHAT I CAN DO, BUT NOT RIGHT NOW.

2 (ADJOURNMENT OF THE PROCEEDINGS.)

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 STATE OF CALIFORNIA)

2) SS:

3 COUNTY OF SAN DIEGO)

4

5 *

6 I, MINDY J. BARLOW, CSR NO. 10009, OFFICIAL
7 COURT REPORTER IN THE SUPERIOR COURT OF THE STATE OF
8 CALIFORNIA, IN AND FOR THE COUNTY OF SAN DIEGO, HEREBY
9 CERTIFY THAT I MADE A SHORTHAND RECORD OF THE PROCEEDINGS
10 HAD IN THE WITHIN CASE, AND THAT THE FOREGOING TRANSCRIPT
11 IS A FULL, TRUE, AND CORRECT TRANSCRIPTION OF THE
12 PROCEEDINGS IN THIS CASE.

13

14 DATED THIS 24th DAY OF May, 2007.

15

16

17

18

19


MINDY J. BARLOW, CSR NO. 10009
OFFICIAL COURT REPORTER

21

22

23

24

25

26

27

28

EXHIBIT

C

PROPOSITION 21:

IMPACT ON ADULT CRIMINAL COURT OPERATIONS

by

Charles E. Nickel
Deputy District Attorney, San Diego County

L. Douglas Pipes
Senior Deputy District Attorney, Contra Costa County

David R. Ross
Deputy District Attorney, Los Angeles County

Kathryn Storton
Deputy District Attorney, Santa Clara County

March 8, 2000

1736 Carjacking first became a felony offense on October 1, 1993, when the Legislature enacted section 215. (Stats.1993, ch. 611, § 6.) At the same 1737 time, the Legislature added "carjacking" by name to the list of violent felonies in section 667.5, subdivision (c), and to the list of serious felonies in section 1192.7. (Stats.1993, ch. 611, §§ 11 &

"(3) Rape as defined in subdivision (2) of Section 261.

"(4) Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

"(5) Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

"(6) Lewd acts on a child under the age of 14 years as defined in Section 288.

"(7) Any felony punishable by death or imprisonment in the state prison for life.

"(8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7 or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in Section 12022.5 or 12022.55.

"(9) Any robbery perpetrated in an inhabited dwelling house, vessel, as defined in Section 21 of the Harbors and Navigation Code, which is inhabited and designed for habitation, inhabited trailer coach, as defined in the Vehicle Code, or in the inhabited portion of any other building, wherein it is charged and proved that the defendant personally used a deadly or dangerous weapon, as provided in subdivision (b) of Section 12022, in the commission of that robbery.

"(10) Arson, in violation of subdivision (a) of Section 451.

"(11) The offense defined in subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.

"(12) Attempted murder.

"(13) A violation of Section 12308.

"(14) Kidnapping, in violation of subdivision (b) of Section 207.

"(15) Continuous sexual abuse of a child, in violation of Section 288.5.

"The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence to display society's condemnation for such extraordinary crimes of violence against the person." (§ 667.5, subd. (c).)

On June 30, 1993, section 1192.7, subdivision (c), defined a "serious felony" as any of the following:

18.5.) Because carjacking did not exist as a distinct crime on June 30, 1993, it was not on that date identified by name in either section 667.5, subdivision (c), or section 1192.7, subdivision (c).

Defendant contends the trial court erred when it deemed his 1994 carjacking conviction to be a "strike" for sentencing purposes.

"(1) Murder or voluntary manslaughter; (2) mayhem; (3) rape; (4) sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (5) oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (6) lewd or lascivious act on a child under the age of 14 years; (7) any felony punishable by death or imprisonment in the state prison for life; (8) any other felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm; (9) attempted murder; (10) assault with intent to commit rape or robbery; (11) assault with a deadly weapon or instrument on a peace officer; (12) assault by a life prisoner on a noninmate; (13) assault with a deadly weapon by an inmate; (14) arson; (15) exploding a destructive device or any explosive with intent to injure; (16) exploding a destructive device or any explosive causing great bodily injury or mayhem; (17) exploding a destructive device or any explosive with intent to murder; (18) burglary of an inhabited dwelling house, or trailer coach as defined by the Vehicle Code, or inhabited portion of any other building; (19) robbery or bank robbery; (20) kidnapping; (21) holding of a hostage by a person confined in a state prison; (22) attempt to commit a felony punishable by death or imprisonment in the state prison for life; (23) any felony in which the defendant personally used a dangerous or deadly weapon; (24) selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code; (25) any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person; (26) grand theft involving a firearm; (27) any attempt to commit a crime listed in this subdivision other than an assault." (§ 1192.7, subd. (c).)

FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 19 2004

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

ISAAC RAMIREZ,

No. 02-56066

Petitioner - Appellee,

D.C. No. CV-00-05602-JSL

v.

R. A. CASTRO, Warden,

OPINION

Respondent - Appellant.

Appeal from the United States District Court
for the Central District of California
J. Spencer Letts, District Judge, Presiding

Argued July 18, 2003
Submitted January 8, 2004
Pasadena, California

Filed April 19, 2004

See
Bottom
of Page
#6

CASE
Granted
*

Before: NOONAN, KLEINFELD, and WARDLAW, Circuit Judges.

Opinion by Judge Kim McLane Wardlaw

WARDLAW, Circuit Judge:

The State of California through its Attorney General, Bill Lockyer, appeals
from the district court's judgment granting a writ of habeas corpus to petitioner

report of any force or violence associated with the offense. Indeed, when the authorities approached him in the Montclair Plaza parking lot, Ramirez surrendered without resistance, admitted his crime, and returned the VCR. When asked why he had tried to steal the VCR, Ramirez replied, "I don't know. I did something stupid."

For this shoplift of merchandise valued under \$400, Ramirez could have been charged with petty theft, a misdemeanor offense punishable by a maximum sentence of six months in jail. *See §§ 486-490.* Instead, San Bernardino County prosecutors charged Ramirez with one count of petty theft with a prior theft-related conviction under § 666. In light of his two prior "serious felony" convictions under § 1192.7,² a conviction for this "wobbler" felony offense would bring Ramirez within the scope of California's Three Strikes law, exposing him to a possible sentence of 25 years to life in prison.³ The "wobbler" offense would be treated as

² In 1996, Ramirez's prior second-degree robbery convictions were not "violent" felonies for purposes of a Three Strikes sentence, as only first-degree robbery was then so defined. *See §§ 667(d)(1) (1996), 667.5 (1996).* In 2000, well after Ramirez was convicted and sentenced, the Three Strikes law was amended such that "any robbery" is now a "violent felony" for purposes of a Three Strikes sentence. *See §§ 667(d)(1) (2000), 667.5 (2000).*

³ For purposes of a Three Strikes sentence, "[t]he fact that [the defendant's] prior convictions were adjudicated in a single proceeding does not mean that they constitute one prior conviction; two strikes can arise from one case." *People v.* (continued...)

COUNSEL LISTING

Bill Lockyer, Attorney General of the State of California; Robert R. Anderson, Chief Assistant Attorney General; Gary W. Schons, Senior Assistant Attorney General; Raquel M. Gonzalez, Supervising Deputy Attorney General; and Quisteen S. Shurn, Deputy Attorney General, San Diego, CA for the respondent-appellant.

Petitioner-appellee Isaac Ramirez *in pro se*.

EXHIBIT

D



Book 312

COURT OF APPEAL OF THE STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
Plaintiff-Respondent,) OCT 26 1984
)
-vs-) NO. A 906892
)
TED DARNELL DANIELS)
aka TITO DARNELL DANIELS,)
)
Defendant-Appellant.)
)

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY
HONORABLE EDWARD A. HINZ, JR., JUDGE PRESIDING
REPORTERS' TRANSCRIPT ON APPEAL

APPEARANCES:

For Plaintiff-Respondent JOHN VAN DE KAMP
 State Attorney General
 3580 Wilshire Boulevard
 Los Angeles, Ca 90010

For Defendant-Appellant In Propria Persona

COURT OF APPEAL-SECOND DIST.

[F]

NOV 30 1984

CLAY _____ Clerk

Deputy Clerk

LUANNE J. FOWLER, CSR #3904
CHRISTINA INDA, CSR #3416
WILLIAM F. BARNS, CSR #3766
Official Reporters

ORIGINAL

ONE VOLUME ONLY

MASTER INDEX

APPEARANCE DATES

<u>DAY/DATE</u>	<u>SESSION</u>	<u>PAGE</u>	<u>VOL.</u>
Monday, May 21, 1984	(No A. M. Proceedings)		
	P. M.	1	1
Tuesday, May 22, 1984	A. M.	10	1
	P. M.	12	1
Wednesday, May 23, 1984	A. M.	34	1
	P. M.	91	1
Thursday, May 24, 1984	A. M.	205	1
	P. M.	216	1
Friday, May 25, 1984	A. M.	265	1
	(No P. M. Proceedings)		
Friday, June 22, 1984	A. M.	268	1

MASTER INDEX

CHRONOLOGICAL INDEX OF PROCEEDINGS

	<u>PROCEEDINGS:</u>	PAGE	VOL.
6			
7	Motions to amend Information	1	1
8	Arraignment on amended Information	2	1
9			
10	<u>TRIAL:</u>		
11	People's case in chief commences	17	1
12	Defendant's motion to relieve counsel	34	1
13	People rest	194	1
14	People's motion to reopen	205	1
15	People's case in chief reopened	208	1
16	People rest	213	1
17	Defense rests	214	1
18			
19	Defense 1118.1 Motion	216	1
20			
21	Closing argument: People -----	219	1
	Defense -----	231	1
	Rebuttal -----	244	1
22			
23	Court instructs the jury -----	248	1
24			
	<u>VERDICT</u> -----	265	1
25			
26	<u>PROBATION & SENTENCE HEARING</u> -----	268	1
27			
28			

1
2
3
4
5
MASTER INDEX6
7
8
CHRONOLOGICAL INDEX OF WITNESSES
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

	PEOPLE'S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS	VOL.
7	Dorothy BOYD (Reopened)	17 31				1 1
8	Barbara BOYD	24	28	29		1
9	Audrena GOODIE (Resumed) (Further)	32 37 89	55	86	88	1 1 1
10	Triva CARTER (Further)	94	102	136 138	137	1 1
11	Dan ROSENBERG	140	146			1
12	Gloria GOODIE (Further)	155	159	181 183	183	1 1
13	Gerald E. BRUCE	185	189			1
14	Thomas MARTINEZ (Recalled)	191 208	210	213		1 1

MASTER INDEX

ALPHABETICAL INDEX OF WITNESSES

<u>PEOPLE'S WITNESSES</u>	DIRECT	CROSS	REDIRECT	RECROSS	VOL.
Barbara BOYD	24	28	29		1
Dorothy BOYD (Reopened)	17 31				1 1
Gerald E. BRUCE	185	189			1
Triva CARTER (Further)	94	102	136 138	137	1 1
Audrena GOODIE (Resumed) (Further)	32 37 89	(sworn; no testimony) 55 86		88	1 1 1
Gloria GOODIE (Further)	155	159	181 183	183	1 1
Thomas MARTINEZ (Recalled)	191 208	210	213		1 1
Dan ROSENBERG	140	146			1

58

MASTER INDEX

EXHIBITS

<u>PEOPLE'S EXHIBITS</u>		IDENTIFICATION PAGE	VOL.	IN EVIDENCE PAGE	VOL.
1 - Photograph (Purse and victim D. Boyd)	20	1	194	1	
2 - Pink box (Hope Day & Night Collection)	26	1	194	1	
3 - Hope perfume container	26	1	194	1	
4 - Photograph	28	1	194	1	
5 - Photograph	30	1	194	1	
6 - Photograph	30	1	194	1	
7 - Black jacket	42	1	194	1	
8 - Photograph	52	1	194	1	
9 - Photograph	138	1	194	1	
10 - Brown leather coat	208	1	214	1	
11 - Photograph	209	1	214	1	
12 - Photograph	210	1	214	1	
<u>DEFENDANT'S EXHIBITS:</u>					
A - Diagram	57	1	194	1	
B - Diagram (By T. Carter)	104	1	194	1	
C - Photograph	137	1	194	1	
D - Photograph	137	1	194	1	
E - Photograph	150	1	214	1	
F - Diagram (By G. Goodie)	159	1	214	1	

0
1 MR. SHAPIRO: Thank you, Your Honor.
2

3 CLOSING ARGUMENT

4 BY MR. SHAPIRO:

5 Your Honor, ladies and gentlemen, Miss Cunningham:
6 First I think, on behalf of everybody, I'd really like to thank
7 you for taking the time, careful attention you've given to this
8 matter. Without jurors like yourselves, our criminal justice
9 system wouldn't have a chance.

10 You've heard a complete criminal trial now except
11 for my closing argument, this last argument, and the court's
12 instructions before you deliberate. I just sat and listened to
13 the entire closing argument of the defense. The most important
14 thing, you have to consider the facts of the case, because you
15 are the triers of fact.

16 The defense throughout the entire closing
17 argument didn't talk about the case, talked about her car being
18 broken into, what happens at county jail and what happens to
19 prisoners' hair, went through how I was trying to appeal to your
20 passions and prejudices.

21 On my statement, I discussed the facts, the
22 signaling, the discussions, the car being driving out at a high
23 rate of speed, the purses being taken, the identification, all
24 those things. You didn't hear anything at all just now about
25 that, and I think it is very curious the defense counsel never
26 said, "my client's the wrong person." It's his attorney, defense,
27 even maintaining that.

28 Let me bring up some points that were raised in

1 closing argument. I did make an assumption that this other
2 person was waiting in the car. How else did that person get
3 there? Remember the old commercial? You see this car going
4 along the highway, convertible car; "Let Hertz put you in the
5 driver's seat," and the man comes down right behind the
6 driver's wheel. Where did this other person come from that
7 wasn't in the car?

8 Goodie saw the purses being taken. The man ran to
9 the car and she chased him to try to see which way he went down
10 the street. The car was going just like that. Where did this
11 other person come from? Unless that person had been in the car,
12 or where is the third jacket? Well, what the defense said was
13 right. One person couldn't be charged -- we have a car. The
14 testimony was clear. The defendant was the driver. He was the
15 one identified as being the one in the black jacket. He's
16 charged with the robbery. No doubt, the man in the back seat,
17 he's the one with the brown coat, People's 10. No doubt. He's
18 over there -- and, by the way, did you notice his haircut?
19 He's been there for a while, too. He's got a completely
20 different haircut. They don't give one type of haircut. They
21 go in there and give you a skin like you get in the service. . .
22 you can get your hair the way you want to, basically. It's not
23 exactly John Peters or somewhere in Beverly Hills, but you can ask
24 for what you want and usually get it.

25 The third party, the man with the long coat, he's
26 sitting there in the passenger seat. He's not one of the people
27 that took the coats -- excuse me -- the purses, and he's not the
28 getaway driver and he can just come into court and say, "I was

1 just sitting there. I didn't know what these guys were doing.
2 We all drove off." That's why he's not charged. That's why he
3 got his property back, because it belonged to him and we can't
4 keep it. We have a picture of it in evidence. That's why the
5 coat is not here. It's an issue to divert your attention from
6 what's right in front of you, the fact that three people all
7 saw the defendant take Dorothy Boyd's purse and counsel can
8 collaborate with Daniels to get the purse as well (sic). They
9 acted jointly. Can't be any doubt about that at all.

10 One thing I find that happens a lot of times is
11 the defense tells you part of one instruction -- and it's
12 always the same instruction, too -- that if there are two
13 reasonable interpretations, one pointing to guilt, one pointing
14 to innocence, you have to adopt the one that points to
15 innocence, if they're both reasonable.

16 Well, first of all, you don't have two reasonable
17 interpretations before you. There's been only one interpreta-
18 tion, that defendant did take the purse. But, assuming that
19 there were two, the other half of that instruction goes
20 something like this: If there are two interpretations, one
21 that's reasonable and one that's unreasonable, you have to
22 accept the reasonable and disregard the unreasonable. That's
23 the other half.

24 There's only one logical and reasonable interpreta-
25 tion, based upon the evidence that you've heard and every
26 argument that you've heard.

27 Perhaps you think I might be hammering a dead
28 horse or kicking a dead horse, but I don't know what's in your

3
1 minds and I don't know what possible types of questions you have,
2 so I try to cover everything, and cover everything two or three
3 times. If I've satisfied you, bear with me because I want to
4 repeat a few more things.

5 The identification that was made about ten minutes
6 after by the three witnesses, counsel brought up something
7 about what happens at county jail when they have an auditorium
8 and it's full of seats and they can control the situation.
9 Here we have a situation where we have one police car available
10 to tackle three people over -- not three -- we don't have a
11 caravan. The four people, actually, including the eleven year
12 old that didn't see what happened. That's why she didn't
13 testify. And they all spontaneously say, "Those are the two
14 guys." No doubt. No hesitation. Nothing. That's -- then,
15 "I just saw them ten minutes ago. They ran right by the car.
16 We saw them talking before." It's got to be clear.

17 Look at the difference in the color of the coats.
18 I'd like to thank the court for allowing me the opportunity to
19 reopen today, because I thought it would be important. Maybe
20 you'd be confused. If you didn't see the brown coat -- maybe
21 it was a dark brown coat and you might get confused somehow.
22 You could see the difference in that color. There's no doubt
23 there.

24 Now, the third gentleman had a long coat. Now,
25 this is the wrong color. It's a coat -- the only coat I have
26 like this, I never get to wear it because it never rains, but
27 it's a full length coat and it's something that you wouldn't
28 make the mistake about, it's so obvious.

44

1 That's what the third man had on, the coat of that
2 length, not a sportscoat type effect. The one hope I can
3 believe the defendant has is to hope for misidentification.
4 I think I've covered that. But let me say the last thing. The
5 most common things the defendant tries to raise, either directly
6 or indirectly in a case like this, is what we call SODDI,
7 some other dude did it. Nothing that they can say, so they've
8 got to point the finger somewhere else.

9 There's a third person in this, so they want you to
10 believe that maybe this is the person that was confused with
11 the defendant, but there's been no testimony whatsoever of that
12 confusion. All three witnesses positively identified the
13 defendant, and Coleman as the man without the teeth. They
14 didn't even bother looking at the third guy, because they
15 realized right away he wasn't involved. It can't be any more
16 clearer than that. The defendant is guilty of both counts.
17 Robbery, he robbed Dorothy Boyd of her purse. He knocked her
18 down and took her purse away and his crime partner, the man that
19 came out and smiled for you, he's the one that took the other
20 purse. They acted together. They're both responsible for each
21 other's acts. The defendant is guilty of both counts of
22 robbery. The evidence is all supporting in the prosecution's
23 theory in this case. It is not supporting to any defense
24 interpretation whatsoever.

25 Again, thank you very much.

26 THE COURT: Thank you.

27 Ladies and gentlemen, I'm going to instruct you,
28 and it will take about twenty minutes. Then you will retire

45

1 to deliberate. We'll skip the break now in order to get you
2 through this and then we'll have an opportunity for a break if
3 you need it.

4 "Ladies and gentlemen of the jury: Now that
5 you've heard the evidence, we come to that part of the
6 trial where you're instructed on the applicable law. I'm
7 required to read the instructions to you in open court.
8 In addition, you will have these instructions in their
9 written form in the jury room for use during your
10 deliberations.

11 Whether a defendant is to be found guilty or
12 not guilty depends upon both the facts and the law. As
13 jurors you have two duties to perform. One duty is to
14 determine the facts of the case from the evidence received
15 in the trial and not from any other source.

16 The word 'fact' means something that is
17 proved directly or circumstantially by the evidence.
18 Your other duty is to apply the rules of law that I
19 state to you to the facts as you determine them, and in
20 this way to arrive at your verdict.

21 It is my duty in these instructions to
22 explain to you the rules of law that apply to this case.
23 You must accept and follow the rules of law as I state
24 them to you.

25 If any rule, direction or idea in these
26 instructions is repeated or stated in varying ways, no
27 emphasis is intended and you must not draw any inference
28 because of its repetition. You are not to single out any

54

1 the particular crime that to his knowledge his confederates
2 are contemplating committing, but he is also liable for
3 the natural and reasonable and probable consequences of
4 any act that he knowingly aided or encouraged.

5 A person aids and abets the commission of a
6 crime if, acting with knowledge of the unlawful purpose
7 of the perpetrator and sharing that criminal intent or
8 purpose, he aids, promotes, encourages, or instigates by
9 act or advice the commission of such crime. Mere presence
10 at the scene of a crime, which does not itself assist the
11 commission of a crime, does not amount to aiding and
12 abetting. Mere knowledge that a crime is being committed
13 and the failure to prevent it does not amount to aiding
14 and abetting.

15 Defendant is charged in Count I and II in
16 the Information with the commission of the crime of
17 robbery, a violation of Section 211 of the Penal Code.

18 The crime of robbery is the taking of personal
19 property in the possession of another from his person or
20 immediate presence and against his will, accomplished by
21 means of force or fear and with the specific intent
22 permanently to deprive such person of the property.

23 In order to prove the commission of the crime
24 of robbery, each of the following elements must be proved:

25 One, that a person had possession of some
26 value, however slight;

27 Two, that such property was taken from such
28 person or from his immediate presence;

55.

1 Three, that such property was taken against
2 the will of such person;

3 Four, that the taking was accomplished either
4 by force or violence or by fear or intimidation or by
5 both;

6 And five, that such property was taken with
7 the specific intent permanently to deprive the person
8 of the property.

9 In each of the crimes charged in Counts I
10 and II of the Information, namely robbery, there must
11 exist a union or joint operation of act or conduct and
12 a certain specific intent in the mind of the perpetrator,
13 and unless such specific intent exists, the crime to
14 which it relates is not committed.

15 The specific intent required is included in
16 the definition of the crimes charged.

17 The intent with which an act is done is shown
18 as follows:

19 By a statement of his intent made by
20 defendant;

21 by the circumstances attending the act;

22 The manner in which it is done;

23 The means used and the soundness of mind;

24 The discretion of the person committing the
25 act.

26 For the purposes of the case on trial, you
27 must assume that the defendant was of sound mind at the
28 time of his alleged conduct with which he is charged

1 constituting the crime described in the Information.

2 Each count charges a distinct offense. You
3 must decide each count separately.

4 The defendant may be found guilty or not guilty
5 of either or both of the offenses charged. Your finding
6 as to each count must be stated in a separate verdict.

7 I have not intended by anything I have said
8 or done, or by any question that I may have asked or by
9 any ruling I may have made, to intimate or suggest what
10 you should find to be the facts on any question submitted
11 to you, or that I believe or disbelieve any witness. If
12 anything I have done or said has seemed to so indicate,
13 you will disregard it and form your own opinion.

14 You have been instructed as to all the rules
15 of law that are necessary for you to reach a verdict.

16 Whether some of the instructions will apply
17 will depend upon your determination of the facts. You
18 will disregard any instruction which applies to a state
19 of facts which you determine does not exist. You must
20 not conclude from the fact that an instruction has been
21 given that the court is expressing any opinion as to the
22 facts.

23 Both the People and the defendant are entitled
24 to the individual opinion of each juror. It is the duty
25 of each of you to consider the evidence for the purpose
26 of arriving at a verdict if you can do so. Each of you
27 must decide the case for yourself, but you do so only
28 after a discussion of the evidence and instructions with

60

1 this courtroom.

2 Thank you."

3 Will the clerk please swear the bailiff.

4 THE CLERK: You do solemnly swear that you will take
5 charge of the jury and keep them together; that you will not
6 speak to them yourself nor allow anyone to speak to them on
7 matters connected with the case except on order of the court;
8 that when they have agreed upon a verdict you will return them
9 into this court, so help you God.

10 THE BAILIFF: I do.

11 THE CLERK: You do solemnly swear that you will take
12 charge of the alternate jurors and keep them apart from the
13 jury while they are deliberating until otherwise instructed by
14 the court so help you God.

15 THE BAILIFF: I do.

16 (The jury commenced deliberations.)

17 (At 4:00 p.m., an adjournment was
18 taken until Friday, May 25, 1984,
19 at 9:30 a.m.)

20

21

22

23

24

25

26

27

28

1 TORRANCE, CALIFORNIA; FRIDAY, MAY 25, 1984; 9:30 A.M.

2 DEPARTMENT SOUTHWEST "K" HON. EDWARD A. HINZ, JUDGE

3 (Appearances as heretofore noted.)

4

5 (The jury resumed deliberations.)

6 THE COURT: People versus Daniels.

7 Let the record show defendant is present
8 represented by counsel. The People are represented by
9 counsel. The twelve jurors are present.

10 Who is the foreman, please?

11 THE FOREMAN: I am.

12 THE COURT: Would you state your name, please, for the
13 record.

14 THE FOREMAN: Allen Munson.

15 THE COURT: Has the jury arrived at a verdict in this
16 matter?

17 THE FOREMAN: It has.

18 THE COURT: Would you please hand all the forms, signed
19 and unsigned, to the bailiff.

20 (The foreman complied.)

21 THE COURT: Will the clerk please read the verdicts.

22 THE CLERK: Title of court and cause:

23 "We, the jury in the above-entitled
24 action, find the defendant Ted Darnell Daniels
25 guilty of robbery, a felony, violation of Penal
26 Code Section 211 as charged in Count I of the
27 Information;

28 This 25th day of May, 1984,

Allen Munson, Jr., Foreman."

Title of court and cause:

"We, the jury in the above-entitled action, find the defendant Ted Darnell Daniels guilty of robbery, a felony, in violation of Penal Code Section 211 as charged in Count II of the Information;

This 25th day of May, 1984,

Allen Munson, Jr., Foreman.'

10 Ladies and gentlemen of the jury, are these your
11 verdicts, so say you one, so say you all?

(The jury answered in the affirmative.)

13 THE COURT: Would the clerk please poll the jury.

(The jury was polled.)

15 THE COURT: Ladies and gentlemen, this completes your
16 service upon this case. I want to thank each of you for the
17 time that you spent with us. Those of you that are serving on
18 a jury for the first time, I'm sure now you realize how
19 important it is to have conscientious citizens who are willing
20 to serve in the capacity that you just served.

21 You should now return to the jury room for any
22 further instructions they may have for you. As I told you at
23 the outset, once the case is over, you're free to talk to anybody
24 you want to, or if you don't want to talk to anybody, it's
25 100 percent up to you.

Thank you very much. You're now discharged.

I want to thank the alternates for their attendance.
that's a boring job, but thank you so much.

64

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES

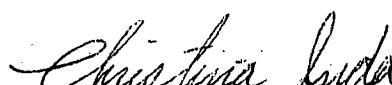
3 DEPARTMENT SOUTHWEST "K" HON. EDWARD A. HINZ, JUDGE

4
5 THE PEOPLE OF THE STATE OF CALIFORNIA,)
6 Plaintiff,)
7 vs.) No. A906892
8 TED DARNELL DANIELS aka) REPORTER'S
9 Tito Darnell Daniels,) CERTIFICATE
10 Defendant.)
11

12 STATE OF CALIFORNIA)
13 COUNTY OF LOS ANGELES) ss

14 I, CHRISTINA INDA, Official Reporter of the Superior
15 Court of the State of California, for the County of Los Angeles,
16 do hereby certify that the foregoing pages, 205 through 267,
17 comprise a full, true, and correct transcript of the proceedings
18 and testimony taken in the matter of the above-entitled cause on
19 May 24 and 25, 1984.

20 Dated this 28th day of September, 1984.

21
22
23 
Christina Inda, CSR #3416
Official Reporter

57

24
25
26
27
28

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 FOR THE COUNTY OF LOS ANGELES

3 DEPARTMENT SOUTHWEST "K" HON. EDWARD A. HINZ, JR., JUDGE

4

5 THE PEOPLE OF THE STATE OF CALIFORNIA,)

6 PLAINTIFF,)

7) NO. A906892

8 -VS-

9) REPORTER'S CERTIFICATE

10 TED DARNELL DANIELS,)

11 DEFENDANT.)

12 STATE OF CALIFORNIA)

13) SS

14 COUNTY OF LOS ANGELES)

15 I, WILLIAM F. BARNES, OFFICIAL REPORTER OF THE SUPERIOR
16 COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS
17 ANGELES, DO HEREBY CERTIFY THAT THE FOREGOING PAGES 268 THROUGH
18 273, INCLUSIVE, COMPRIZE A FULL, TRUE, AND CORRECT TRANSCRIPT
19 OF THE PROCEEDINGS HELD IN DEPARTMENT SOUTHWEST "K" ON
20 FRIDAY, JUNE 22, 1984, IN THE MATTER OF THE ABOVE-ENTITLED CAUSE.
21 DATED THIS 26th DAY OF JULY, 1984.

22 _____
23 *William F Barnes*
24 _____
25 OFFICIAL REPORTER

26 , CSR #3766

27

28

1
2
3
4
5
6
7
FILED

JUL 27 1984

JOHN L. CONGRAN, COUNTY CLERK

BY *L. Jackson* DEPUTY
L. Jackson

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
DEPARTMENT SOUTHWEST "K" HON. EDWARD A. HINZ, JR., JUDGE

12 THE PEOPLE OF THE STATE OF CALIFORNIA,)
13 PLAINTIFF, NO. A906892)
14 -VS- STATE PRISON)
15 JAMES COLEMAN,)
16 DEFENDANT.)

TORRANCE, CALIFORNIA; MONDAY, JULY 2, 1984; 10:32 A.M.

18 UPON THE ABOVE DATE, THE DEFENDANT BEING PRESENT IN
19 COURT AND REPRESENTED BY COUNSEL, JEFFREY GRAY, ESQ., THE
20 PEOPLE BEING REPRESENTED BY RALPH SHAPIRO, DEPUTY DISTRICT
21 ATTORNEY OF LOS ANGELES COUNTY, THE FOLLOWING PROCEEDINGS WERE
22 HELD:

23 (WILLIAM F. BARNES, OFFICIAL REPORTER, CSR #3766.)

25 THE COURT: PEOPLE VERSUS JAMES COLEMAN, A906892.

26 WILL COUNSEL STATE THEIR APPEARANCES, PLEASE?

27 MR. GRAY: JEFFREY GRAY ON BEHALF OF MR. COLEMAN.

28 MR. SHAPIRO: RALPH SHAPIRO FOR THE PEOPLE.

1 THE COURT: THIS IS THE TIME SET FOR PROBATION AND
2 SENTENCE HEARING.

3 DOES DEFENDANT WAIVE FORMAL ARRAIGNMENT FOR
4 JUDGMENT AND SENTENCE?

5 MR. GRAY: YES, YOUR HONOR.

6 THE COURT: IS THERE ANY LEGAL CAUSE WHY JUDGMENT
7 SHOULD NOT NOW BE PRONOUNCED?

8 MR. GRAY: NONE.

9 THE COURT: IN THIS MATTER, THE COURT HAS RECEIVED, READ
10 AND CONSIDERED THE PROBATION OFFICER'S REPORT. THAT REPORT
11 CONSISTS OF 14 PAGES.

12 IT RECOMMENDS THAT PROBATION BE DENIED.

13 THE COURT IS INCLINED TO IMPOSE TWO YEARS IN STATE
14 PRISON.

15 DO YOU WISH TO BE HEARD?

16 MR. GRAY: ONLY, YOUR HONOR, MY RECORDS INDICATE MR.
17 COLEMAN HAS 202 ACTUAL DAYS IN CUSTODY.

18 THE COURT: YES.

19 MR. GRAY: SUBMIT THE MATTER.

20 THE COURT: DO THE PEOPLE WISH TO BE HEARD?

21 MR. SHAPIRO: SUBMITTED.

22 THE COURT: IN THIS MATTER, ON MAY 21, 1984, DEFENDANT
23 ENTERED PLEAS OF GUILTY TO COUNTS I AND II, EACH CHARGING
24 VIOLATION OF PENAL CODE SECTION 211.

25 THE COURT IS OF THE VIEW THAT PROBATION SHOULD BE
26 DENIED, AND FORMALLY SO ORDERS FOR THE FOLLOWING REASONS:

27 NUMBER ONE: DEFENDANT'S RECORD SHOWS CRIMES OF
28 INCREASING SERIOUSNESS.

1 NUMBER TWO: DEFENDANT'S CONDUCT INDICATES HE IS A
2 DANGER TO SOCIETY.

3 THE COURT ORDERS AS FOLLOWS: PROBATION IS DENIED.

4 IT'S THE JUDGMENT AND SENTENCE OF THIS COURT THAT
5 AS TO COUNT I, VIOLATION OF PENAL CODE SECTION 211, THAT
6 DEFENDANT BE SENTENCED TO STATE PRISON FOR THE TERM OF TWO
7 YEARS.

8 IN REGARD TO COUNT II, IT'S THE JUDGMENT AND
9 SENTENCE OF THIS COURT THAT DEFENDANT BE SENTENCED TO STATE
10 PRISON FOR THE TERM OF TWO YEARS.

11 COUNTS I AND II ARE ORDERED TO RUN CONCURRENTLY;
12 THAT IS, ONE WITH THE OTHER.

13 THE COURT HAS SET THIS AT THE LOW TERM BASED ON
14 THE CIRCUMSTANCES SURROUNDING THE COMMISSION OF THE OFFENSE.

15 IN ADDITION TO THIS PERIOD OF TWO YEARS IN STATE
16 PRISON, A PERIOD OF PAROLE PURSUANT TO PENAL CODE SECTION
17 3000 COMMENCES UPON YOUR RELEASE FROM STATE PRISON.

18 THE PERIOD OF PAROLE SHALL NOT EXCEED THREE YEARS.

19 CONFINEMENT FOR VIOLATION OF PAROLE SHALL NOT
20 EXCEED ONE YEAR.

21 THE TOTAL TIME FOR PAROLE SUPERVISION AND
22 CONFINEMENT FOR VIOLATION OF PAROLE SHALL NOT EXCEED A TOTAL
23 OF FOUR YEARS.

24 IF YOU ARE PAROLED AND THEREAFTER ABSCOND, ANY
25 PERIOD FOLLOWING SUSPENSION OR REVOCATION OF PAROLE UNTIL YOU
26 ARE RETURNED TO CUSTODY SHALL NOT APPLY TO THE LIMITS ON THE
27 PAROLE TERM.

28 I FURTHER ORDER THAT DEFENDANT BE REMANDED TO THE

1 CUSTODY OF THE SHERIFF OF THIS COUNTY, AND I ORDER THE SHERIFF
2 OF THIS COUNTY TO TRANSPORT THE DEFENDANT TO THE RECEPTION AND
3 GUIDANCE CENTER AT CHINO, CALIFORNIA.

4 THE MATTER OF CREDITS: DEFENDANT WAS ARRESTED
5 DECEMBER 14, 1983, AND HAS BEEN IN CUSTODY UNTIL TODAY'S DATE.
6 THAT'S 202 DAYS.

7 THE GOOD-TIME AND WORK-TIME THEREON IS 101 DAYS.

8 TOTAL CREDITS: 303 DAYS.

9 THAT WILL BE THE ORDER.

10 DEFENDANT IS REMANDED.

11
12 (PROCEEDINGS CONCLUDED.)

13 ---000---
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3 DEPARTMENT SOUTHWEST "K" HON. EDWARD A. HINZ, JR., JUDGE
4

5 THE PEOPLE OF THE STATE OF CALIFORNIA,)
6 PLAINTIFF,) NO. A906892
7 -VS-)
8 JAMES COLEMAN,) REPORTER'S CERTIFICATE
9 DEFENDANT.)
10

11 STATE OF CALIFORNIA) SS
12 COUNTY OF LOS ANGELES)

13 I, WILLIAM F. BARNES, OFFICIAL REPORTER OF THE SUPERIOR
14 COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES,
15 DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT
16 TRANSCRIPT OF THE PROCEEDINGS HELD AT THE TIME OF PRONOUNCING
17 SENTENCE; THAT THE VIEWS AND RECOMMENDATIONS OF THE COURT, IF
18 ANY, ARE CONTAINED THEREIN, PURSUANT TO SECTION 1203.01 OF THE
19 PENAL CODE.

20 DATED THIS 17TH DAY OF JULY, 1984.
21

22 
23 William F. Barnes, CSR #3766
24 OFFICIAL REPORTER
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
FILED

JUL 16 1984

John J. Corcoran, County Clerk
R.J. Matthews
BY R. J. MATTHEWS, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT SOUTHWEST "K" HON. EDWARD A. HINZ, JR., JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)
PLAINTIFF,) NO. A906892
-VS-) STATE PRISON
TED DARNELL DANIELS,) APPEAL RIGHTS
DEFENDANT.)

TORRANCE, CALIFORNIA; FRIDAY, JUNE 22, 1984; 9:23 A.M.

UPON THE ABOVE DATE, THE DEFENDANT BEING PRESENT IN
COURT AND REPRESENTED BY COUNSEL, NANCY CUNNINGHAM, DEPUTY
PUBLIC DEFENDER OF LOS ANGELES COUNTY, THE PEOPLE BEING REPRE-
SENTED BY RALPH SHAPIRO, DEPUTY DISTRICT ATTORNEY OF LOS ANGELES
COUNTY, THE FOLLOWING PROCEEDINGS WERE HELD:

(WILLIAM F. BARNES, OFFICIAL REPORTER, CSR #3766.)

THE COURT: PEOPLE VERSUS TED DARNELL DANIELS, A906892.

WILL COUNSEL STATE THEIR APPEARANCES, PLEASE?

MS. CUNNINGHAM: YES, YOUR HONOR. NANCY CUNNINGHAM

1 APPEARING ON BEHALF OF MR. DANIELS.

2 HE IS BEFORE THE COURT.

3 MR. SHAPIRO: RALPH SHAPIRO FOR THE PEOPLE.

4 THE COURT: THIS IS THE TIME SET FOR PROBATION AND
5 SENTENCE HEARING.

6 DOES DEFENDANT WAIVE FORMAL ARRAIGNMENT FOR JUDGMENT
7 AND SENTENCE?

8 MS. CUNNINGHAM: SO WAIVED.

9 THE COURT: IS THERE ANY LEGAL CAUSE WHY JUDGMENT
10 SHOULD NOT NOW BE PRONOUNCED?

11 MS. CUNNINGHAM: THERE IS NO LEGAL CAUSE, YOUR HONOR.

12 THE COURT: IN THIS MATTER, THE COURT HAS RECEIVED, READ
13 AND CONSIDERED THE PROBATION OFFICER'S REPORT. THAT REPORT
14 CONSISTS OF 14 PAGES.

15 IT RECOMMENDS THAT PROBATION BE DENIED.

16 THE COURT IS INCLINED TO FOLLOW THAT RECOMMENDATION.

17 DO YOU WISH TO BE HEARD?

18 MS. CUNNINGHAM: NO, YOUR HONOR. I WILL SUBMIT IT.

19 THE COURT: DO THE PEOPLE WISH TO BE HEARD?

20 MR. SHAPIRO: JUST BRIEFLY, YOUR HONOR.

21 I'D ASK THAT THE MAXIMUM TERM POSSIBLE BE IMPOSED
22 BASED UPON THE FACTS OF THE MATTER.

23 THERE WAS PLANNING INVOLVED IN THE PERPETRATION OF
24 THE CRIME. THERE WERE TWO VICTIMS; MULTIPLE VICTIMS; VULNERABLE
25 VICTIM INVOLVED.

26 HE IS AN EXTENSIVE DANGER TO SOCIETY; AND DEFENDANT
27 HAS AN EXTENSIVE CRIMINAL RECORD.

28 I'D SUBMIT IT ON THAT.

1 THE COURT: ANYTHING FURTHER, MS. CUNNINGHAM?

2 MS. CUNNINGHAM: NO, YOUR HONOR..

3 THE COURT: IN THIS MATTER, ON MAY 25, 1984, A JURY
4 RETURNED ITS VERDICT FINDING DEFENDANT GUILTY OF COUNT I AND
5 COUNT II, EACH CHARGING ROBBERY, IN VIOLATION OF PENAL CODE
6 SECTION 211.

7 PRIOR TO THAT DATE, THAT IS, ON MAY 21, 1984,
8 DEFENDANT ADMITTED THE PRIOR FELONY CONVICTION, WHICH IS A
9 ONE-YEAR PRIOR. THAT'S A CONVICTION FOR RECEIVING STOLEN
10 PROPERTY, AS ALLEGED.

11 THE COURT IS OF THE VIEW THAT PROBATION SHOULD BE
12 DENIED, AND FORMALLY SO ORDERS FOR THE FOLLOWING REASONS:

13 NUMBER ONE: DEFENDANT'S RECORD SHOWS CRIMES OF
14 INCREASING SERIOUSNESS.

15 NUMBER TWO: THIS WAS A PLANNED ESCAPE ADVENTURE INVOLVING
16 THE TWO VICTIMS IN THE MATTER.

17 THE COURT ORDERS AS FOLLOWS: PROBATION IS
18 FORMALLY DENIED.

19 IT'S THE JUDGMENT AND SENTENCE OF THIS COURT THAT
20 AS TO COUNT I, ROBBERY, IN VIOLATION OF PENAL CODE SECTION 211,
21 THAT DEFENDANT BE SENTENCED TO STATE PRISON FOR THE UPPER TERM
22 OF FIVE YEARS.

23 IN REGARD TO COUNT II, ROBBERY, IN VIOLATION OF
24 PENAL CODE SECTION 211, IT'S THE JUDGMENT AND SENTENCE OF
25 THIS COURT THAT DEFENDANT BE SENTENCED TO STATE PRISON FOR THE
26 UPPER TERM OF FIVE YEARS.

27 THE COURT IS SETTING THESE AT THE HIGH TERM BASED
28 ON THE FACT THAT DEFENDANT'S RECORD SHOWS CRIMES OF INCREASING

1 SERIOUSNESS; AND HIS CONDUCT INDICATES HE IS A DANGER TO
2 SOCIETY.

3 THE SENTENCES AS TO COUNTS I AND II ARE ORDERED
4 TO RUN CONCURRENTLY.

5 IN ADDITION TO THIS PERIOD OF FIVE YEARS IN STATE
6 PRISON, THE COURT ORDERS THAT THE ONE ADDITIONAL YEAR FOR
7 THE PRIOR FELONY CONVICTION BE ORDERED TO RUN CONSECUTIVELY
8 THERETO, FOR A TOTAL STATE PRISON SENTENCE OF SIX YEARS.

9 IN ADDITION TO THIS PERIOD OF SIX YEARS IN STATE
10 PRISON, A PERIOD OF PAROLE PURSUANT TO PENAL CODE SECTION
11 3000 COMMENCES UPON YOUR RELEASE FROM STATE PRISON.

12 THE PERIOD OF PAROLE SHALL NOT EXCEED THREE YEARS.

13 CONFINEMENT FOR VIOLATION OF PAROLE SHALL NOT
14 EXCEED ONE YEAR.

15 THE TOTAL TIME FOR PAROLE SUPERVISION AND
16 CONFINEMENT FOR VIOLATION OF PAROLE SHALL NOT EXCEED A TOTAL
17 OF FOUR YEARS.

18 IF YOU ARE PAROLED AND THEREAFTER ABSCOND, ANY
19 PERIOD FOLLOWING SUSPENSION OR REVOCATION OF PAROLE UNTIL YOU
20 ARE RETURNED TO CUSTODY SHALL NOT APPLY TO THE LIMITS ON THE
21 PAROLE TERM.

22 I FURTHER ORDER THAT DEFENDANT BE REMANDED TO THE
23 CUSTODY OF THE SHERIFF OF THIS COUNTY, AND I ORDER THE SHERIFF
24 OF THIS COUNTY TO TRANSPORT THE DEFENDANT TO THE RECEPTION AND
25 GUIDANCE CENTER AT CHINO, CALIFORNIA.

26 THE MATTER OF CREDITS: DEFENDANT WAS IN CUSTODY
27 FROM DECEMBER 14, 1983, TO DECEMBER 31, 1983. THAT'S 17
28 DAYS; AND FROM APRIL 6, 1984 UNTIL TODAY'S DATE. THAT'S 77

1 DAYS.

2 TOTAL CREDITS: 94 DAYS; PLUS THE GOOD-TIME AND
3 WORK-TIME OF 47 DAYS.

4 TOTAL CREDITS REQUIRED BY LAW: 141 DAYS.

5 NOW, IN ADDITION, MR. DANIELS, IT'S MY DUTY TO
6 ADVISE YOU OF YOUR RIGHT TO APPEAL TO THE APPELLATE COURT
7 FROM THE JUDGMENT OF THIS COURT IN IMPOSING THE SENTENCE JUST
8 IMPOSED.

9 IF YOU WANT TO FILE AN APPEAL, THERE IS A 60-DAY --

10 MS. CUNNINGHAM: YOUR HONOR, MAY WE -- I'M GOING TO FILE
11 THE APPEAL RIGHT NOW, SO I DON'T THINK THE ADVISEMENT IS
12 NECESSARY.

13 THE COURT: WELL, I THINK I'D BETTER ADVISE HIM ON THE
14 RECORD. THERE ARE OTHER THINGS BESIDES THE FILING OF THE
15 NOTICE.

16 IF YOU WANT TO FILE AN APPEAL, THERE IS A 60-DAY
17 TIME LIMIT WITHIN WHICH YOU MUST ACT BY FILING A WRITTEN NOTICE
18 OF APPEAL.

19 THE 60 DAYS STARTS TO RUN FROM TODAY.

20 YOUR NOTICE OF APPEAL MUST BE FILED IN THIS COURT
21 AND NOT IN THE COURT OF APPEAL.

22 THE NOTICE OF APPEAL MUST BE SIGNED BY YOU OR
23 YOUR ATTORNEY.

24 IF YOU APPEAL YOU HAVE THE RIGHT AT NO COST TO YOU
25 TO A TRANSCRIPT AND RECORD OF THE TRIAL COURT PROCEEDINGS AS
26 PROVIDED FOR BY THE CALIFORNIA RULES OF COURT.

27 IF YOU APPEAL AND YOU DO NOT HAVE THE MONEY TO HIRE
28 A LAWYER, THE APPELLATE COURT WILL APPOINT A LAWYER TO REPRESENT

1 YOU ON APPEAL. IT IS YOUR OBLIGATION TO KEEP THE APPELLATE
2 COURT ADVISED OF YOUR CURRENT MAILING ADDRESS. THEY THEN WILL
3 BE IN TOUCH WITH YOU TO SEE WHETHER YOU HAVE A RIGHT TO A
4 FREE LAWYER AFTER YOU HAVE FILED THE NOTICE OF APPEAL.

5 THAT WILL BE THE ORDER.

6 DEFENDANT IS REMANDED.

7 MS. CUNNINGHAM: YOUR HONOR, HE IS REQUESTING THE
8 COURT TO SET BAIL ON APPEAL.

9 THE COURT: HAS THE NOTICE BEEN FILED?

10 MS. CUNNINGHAM: NO, YOUR HONOR.

11 THE COURT: WELL, I CAN'T RULE ON THAT UNTIL THE NOTICE
12 HAS BEEN FILED.

13 MS. CUNNINGHAM: HERE IT IS.

14 THE COURT: ALL RIGHT.

15 WE'LL HEAR A MOTION ON THE BAIL ON APPEAL.

16 DO YOU WISH TO BE HEARD?

17 MS. CUNNINGHAM: MR. DANIELS, WOULD YOU LIKE TO ADDRESS
18 THE COURT?

19 THE DEFENDANT: YES. I WOULD LIKE A REASONABLE
20 APPEAL BOND SET AT THIS TIME ON THE MATTER. I HAVE EVERY
21 INTENTION OF APPEALING THIS CASE.

22 THE COURT: MISS CUNNINGHAM, DO YOU HAVE ANYTHING YOU WANT
23 TO ADD?

24 MS. CUNNINGHAM: NO, YOUR HONOR; SUBMITTED.

25 THE COURT: DO THE PEOPLE WISH TO BE HEARD?

26 MR. SHAPIRO: SUBMITTED.

27 THE COURT: THE MOTION TO SET BAIL ON APPEAL IS DENIED
28 FOR THE FOLLOWING REASONS:

1 ONE: THERE IS A STRONG LIKELIHOOD OF DEFENDANT'S
2 FLIGHT BASED ON THE SUBSTANTIAL PERIOD OF TIME IMPOSED.

3 NUMBER TWO: DEFENDANT'S CONDUCT INDICATES HE IS A
4 DANGER TO SOCIETY, IF HE WERE TO BE RELEASED TO THE PUBLIC.

5 FOR THOSE REASONS, WHICH THE COURT IS ORDERED
6 TO SPREAD ON THE MINUTES OF THIS COURT, THE MOTION FOR BAIL
7 ON APPEAL IS DENIED.

8 THANK YOU.

9
10 (PROCEEDINGS CONCLUDED.)

11 ---000---

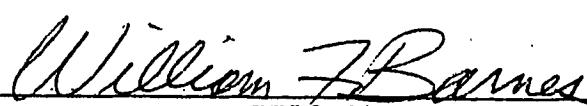
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 FOR THE COUNTY OF LOS ANGELES
3 DEPARTMENT SOUTHWEST "K" HON. EDWARD A. HINZ, JR., JUDGE
4

5 THE PEOPLE OF THE STATE OF CALIFORNIA,)
6 PLAINTIFF,)
7 -VS-) NO. A906892
8 TED DARNELL DANIELS,) REPORTER'S CERTIFICATE
9 DEFENDANT.)
10 STATE OF CALIFORNIA)
11 COUNTY OF LOS ANGELES) SS

12 I, WILLIAM F. BARNES, OFFICIAL REPORTER OF THE SUPERIOR
13 COURT OF THE STATE OF CALIFORNIA, FOR THE COUNTY OF LOS ANGELES,
14 DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT
15 TRANSCRIPT OF THE PROCEEDINGS HELD AT THE TIME OF PRONOUNCING
16 SENTENCE; AND NOTIFICATION OF APPEAL RIGHTS, PURSUANT TO RULE
17 250 OF THE CALIFORNIA RULES OF COURT; THAT THE VIEWS AND
18 RECOMMENDATIONS OF THE COURT, IF ANY, ARE CONTAINED THEREIN,
19 PURSUANT TO SECTION 1203.01 OF THE PENAL CODE.

20 DATED THIS 10TH DAY OF JULY, 1984.
21
22

23 
24 OFFICIAL REPORTER CSR #3766
25
26
27
28

EXHIBIT

E

0221

People's Ex. 34
cc SCD 149951
Rec'd 6-6-01
Dept 19 Clk JM

STATE OF CALIFORNIA--YOUTH AND ADULT CORRECTIONAL AGENCY

GRAY DAVIS, Governor

DEPARTMENT OF CORRECTIONS
DEPARTMENTAL ARCHIVES UNIT

Aerojet Campus
 2015 Aerojet Road
 Rancho Cordova, CA 95742
 (916) 358-1523

0225



DATE : FEBRUARY 14, 2000

NAME : DANIELS, TED
 CDC NUMBER : B79622
 DISCH DATE : 03-83

OFFICE OF THE DISTRICT ATTORNEY
 COUNTY OF SAN DIEGO

Dear Sir/Madam:

This is to certify that the Director of the Department of Corrections is the official legal custodian of the records of prisoners committed to the California State Prisons, and has authorized the undersigned as Case Records Analyst of the Department of Corrections to certify in his behalf the criminal records of persons who have served sentences in the California State prisons, including the certifications required under 969b of the California Penal Code.

I further certify that the copies of the commitment, photograph, fingerprints and chronological history and/or movement history are true and correct copies of those in my custody as required by law.

Sincerely,

BERNICE WORTHINGTON
 Correctional Case Records Analyst
 Departmental Archives Unit
 (916) 358-1523



Department of Corrections

State of California

SENTENCE DATA SUMMARY

NON

DANIELS, TED

NUMBER

B-79622

PAGE

CUMULATIVE CASE SUMMARY
CHRONOLOGICAL HISTORY

0228

DATE	CHRONOLOGICAL LISTINGS	INITIAL	TIME LOST	TIME RESTORED	RELEASE DATE
9-15-80	RECD CCC	GmR			
9-10-80	Reid RCC CEM PVRK BC		342	MAX min	1-19-80 7-1-82
	Basic Good Time Credit 197 days (Includes 99 days PC and 98 days BC)				
7-3-80	Apprehended & In Custody		273	MAX min	2-18-82 6-18-82
10-30-80	FILE AUDITED Outtake	W			
3-12-81	30 Days Behavior Credit Loss (CDC 115 H981) 1/1		-27	min	3-19-81
3-12-81	File Audited				
5/18/81	RECD GTF 3		10		
6-13-81	RECD CCC	BMC			
6-22-81	Restore 30 days Behavior Credit per Appeal. OC 115 reheard assessed 20 days Loss of Behavior Credit.		30		
6-22-81	20 Days Behavior Credit Loss (CDC 115 H981) 1/1		20	min	7-9-81
6-29-81	File Audited				
7-7-81	FILE AUDITED	6			
7-9-81	RELEASED ON PAROLE, REGION III				
	DISTRICT: Huntington Park COUNTY: L.A. VRY				
	PAROLE PERIOD: 1 yr. DISCHARGE DATE: 7-9-82				END 7-9-82
1-6-82	Held	BS			
1-21-82	Seh for New Place	BS			
2-19-82	New Drng: F-00 Chgr 1-2-3	BS			PRR 7-6-82
	Retain Held. PR RTC 6 months SC "CONT."				END 1-9-83
2-26-82	Reid RCC CEM PVRK BC				
3-30-82	File audit	BB			
4-1-82	Recd C.R.C				
4-5-82	Adults	14			
6-3-82	OTC 50/50 (arragn.)	Sch!			
7-6-82	Return to Parole Region 3/ Hunt Park Unit LA Co. (DD)				
1-9-83	BC				
6-28-82	CRT Rtn TFT	OC			
12-7-82	PAROLE SUSPENDED eff. 11-2-82	Opu			Susp

DEPARTMENT OF CORRECTIONS

STATE OF CALIFORNIA
0229

Cumulative Case Summary Chronological History

NUMBER

B-79622

NAME

NAME _____
Daniels, Ted Q

ANSWER

三

STATE OF CALIFORNIA--YOUTH AND ADULT CORRECTIONAL AGENCY

GRAY.DAVIS, Governor

0215

DEPARTMENT OF CORRECTIONS**DEPARTMENTAL ARCHIVES UNIT**

Aerojet Campus
2015 Aerojet Road
Rancho Cordova, CA 95742
(916) 358-1523



DATE : JANUARY 28, 2000

NAME : DANIELS, TED
CDC NUMBER : C88454
DISCH DATE : 12/96

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

Dear Sir/Madam:

This is to certify that the Director of the Department of Corrections is the official legal custodian of the records of prisoners committed to the California State Prisons, and has authorized the undersigned as Case Records Analyst of the Department of Corrections to certify in his behalf the criminal records of persons who have served sentences in the California State prisons; including the certifications required under 969b of the California Penal Code.

I further certify that the copies of the commitment, photograph, fingerprints and chronological history and/or movement history are true and correct copies of those in my custody as required by law.

Sincerely,

A handwritten signature in cursive ink.

DARLENE HAILEY
Correctional Case Records Analyst
Department of Corrections
(916) 358-1523



INMATE CASE SUMMARY
CHRONOLOGICAL HISTORY

DATE	CHRONOLOGICAL LISTINGS	INITIAL	TIME LOST	TIME RESTORED	RELEASE DATE
JUN 29 1984	RCC-CIM				
7-0-84	RCC				
8-1-84	Field Sec	pm		MAY	6-19-91
9-23-84	Firm calculate	nl		CARO	7-29-77
4-11-85	CC #5, Misconduct	DT			
9-11-85	SCC (1)anted return same day to CC #5, Misconduct	DT			
9-14-85	Escaped	024			
9-18-85	NOTICE REQUESTED confinement	024			
10-4-85	Apprehended by the Angeles Co Sheriff, in custody of A.C. Co jail	024	16 days		
12-9-85	Rec'd RCC	DT			
12-23-85	Rec'd Scene CC	DT			
1-27-86	150 days credit lost (CDC 115855454)	7-17-85	150	EPRD	7-29-86
2-3-86	Rec'd to Co. Defendant Case #335504				
6-30-86	Returned to SFC with new term case 343491-7, 16 months consecutive, w/c applied thru 6-30-86, nt D	nl		EPRD	6-16-86
7-15-86	Transfer audit Work Credit thru 16-30-86. Correction to Work Credit	nl			
JUL 23 1986	RECD CTR 0	nl		epid	7-20-86
8-22-86	Initial audit - 518 days spent thru 7-31-86, CPRO	CA		C PRO	110-86
8-2-87	Weld #2591-11-6 M, 75 days spent 115 820-086, CPRO applied thru 7-31-87	CA	75	EPRO	6-16-86
4-14-87	Weld #1, 110 days spent for 115 inc thru 7-31-87	CA			
9-4-87	Handled audit at AI status applied thru 7-31-87	CA		epid	6-9-86
9-10-87	Rec'd CCI wt	CA			
9-16-87	Private Audit	CA			
10-22-87	Pr. Position #PS-5454 of 9-11-85	CA		OTCD	5-3-87
3-31-88	45 Day Audit thru 1-31-88	KA		CARO	5-3-87
3-10-88	RCC Audit thru 1-31-88	KA		OTCD	5-4-88
11-22-88	Final Audit				
NUMBER: C-38454		NAME: DANIELS, TED DARNELL	INSTITUTION:	PAGE NO.: /	

CONTINUATION ON THIS SIDE

Name _____

BUREAU OF INVESTIGATION

Date 3-6-91

STATE OF CALIFORNIA

CHRONOLOGICAL HISTORY

DEPARTMENT OF CORRECTIONS
JULY 1972

Date	Chronological Item	Initials	Dead Time	Release Date
1-25-88	TJC Audit thru 3-31-88	KH	DR	5-6-88
4-27-88	TJC audit thru 4-17-88	EP	DR	5-17-88
5-3-88	TJC audit thru 4-28-88	CL	DR	5-5-88
5-5-88	PAROLE TO LA 1/RIG. III	EPN	CDR	5-5-88
MAY 21 1988	File Audited	JHM	DR	5-5-88
1-6-89	Parole Suspended Eff 11-22-88	code 2	DR	SUSP
	RETURN TO PRISON FOR FURTHER PROCEDURES	DR		
2-2-90	ARREST	DR	-437	
2-21-90	Reinstale on Parole as of 2-2-90	DR	CDR	7-15-92
	REFER TO SCREENING SCHEDULE	DR		
4-24-90	Recd RCC/CIM	DR	CDR	2-2-91
5-25-90	Reaffirm action of 3-30-90 as recorded in SAS, giving 12 mos. Eligible	DR	MAX DO	7-15-93
4-24-90	PREVIOUS TERMS DISCHARGED PER DPT RULE 2649. REMAINING ON CASE NO. ICR 13292 PV-WNT	DR	DR	2-2-91
4-21-90	Audited Recd RCC	DR	DR	
5-31-90	Audited	DR	DR	
6-21-90	Rec'd CMC-E (CAT T EVAL) intab YR	DR	DR	12-1-91
7-5-90	INTAKE AUDIT - CMC -	DR		
8-10-90	TRANSFER AUDIT-CMC Credits applied thru 7-31-90 c. A1.	DR	CDR	5-2-92
AUG 13 1990	RECD ASP	DR	CDR	5-2-92
12-18-90	Intake Audit WCG thru 11-30-90	DR	DR	5-2-95
5/21/91	6 mo WCG thru 4-30	DR		
11-25-91	6 mo WCG thru 10-31-91	DR		
2-3-92	60 days ap. Audit	DR		
4-21-92	Parole Audit Post Sentence (credits converted)	DR	CDR	5-18-92

Number
C-PHY54Name
Daniels, TedI certify that the image copied here is a true copy of the original per master
certification on this file.

ROSENNA CUC/NCA

Name

Date
3-6-91

STATE OF CALIFORNIA

DEPARTMENT OF CORRECTIONS

CHRONOLOGICAL HISTORY

Date	Chronological Listing	Initials	Dead Time	Release Date
5/18/92	Parole Reg 4 Long Beach #2	5	cda	5-18-92
6-8-92	file served	①	dv	5-18-92
9-15-92	Held Placed	4		
9-23-92	Prob Rec/CIM	4	PRR	9-16-93
10-20-92	Rev. Dmg. Petition held Par.Rw RTC 12 mo. SB16 eligible	4	MRR	9-16-93
10-22-92	Audit	4	PRR	1-16-93
NOV 17 1992	REC'D CVSP	CB	DIR	S-16-94
12-8-92	File Audited - Intake	CB		
1-6-93	WRYCkg to AI eff 12-24-92	CB	PRRD	4-10-93
2-4-93	60 day Pre-Release Audit 5/28 thru 7-31-92	CB	MRRD	7-15-93
APR 2 1993	10 day Pre-Release Audit Per LA 2/82 actual days in cust Revocation 20 total served to date 207	CB	PC900	7-15-93
APR 2 1993	Paroled To Reg 4 Long Beach 1 LA Co	CB	OR	4-10-94
9-1-93	PAROLE SUSPENDED EFFECTIVE 7-26-93 code 2	NA	-172	
9-14-94	ARRESTED/REINSTATED	PFM		
7-23-94	Hold Proceed Opt PAR REVOKED RTC 12 mos. waiver	PFM	PRRD	9-14-94
	SB 16 E	PFM	MRC	7-14-95
5-2-94	Rec'd MRC	CB	NaxCAT	11-5-94
MAY 17 1994	PROCESS AUDIT	CB	JK	9-14-94
MAY 17 1994	RESTITUTION ORDERED PER LA CO. CASE # KA0207A \$200	CB	MDSL	9-5-94
5-21-94	Out to CIM-E PHD hrg.	CB		
8-8-94	PHD hrg. Parole rejected RTC via affirm opt waiver	CB		
	12 mos. Eligible	CB		
8-19-94	RTC CC-PC PHD hrg. CIM-CA	CB		
SEP 19 1994	REC'D ASP	CB		

Number: C88454

Name: DANIELS, TED

File#:

0218

EXHIBIT

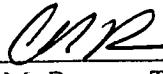
G

NAME and NUMBER DANIELS (T23705)

This inmate has been tested with the Test of Adult Basic Education (T.A.B.E.) on Jun 03, 2002 His grade-level scores are as follows:

cc: C-File	Test Level	M7	Class: ABE I/II
Education File	Reading	7.5	Teacher: Larios
Instructor	Math	7.1	
Inmate	Language	4.0	
	Total	6.1	
	Form	SURVEY	

*Total Score is Norm Referenced



C. M. Brown, Testing Coordinator
Calipatria State Prison

DATE June 3, 2002

(T.A.B.E. Test Results, CAL-IV)

GENERAL CHRONO

CDC-128-B-(Rev. 4/74)

NAME and NUMBER

DANIELS (T23705) C5-137L

This inmate has been tested with the Test of Adult Basic Education (T.A.B.E.) on Mar 20, 2003. His grade-level scores are as follows:

cc: C-File	Reading	8.3	Class: C ABE I/II
Education File	Math	6.8	Teacher: Larios
Instructor	Language	3.9	
Inmate	Total	6.2	
	Form	M8 COMPLETE BATTERY	

*Total Score is Norm Referenced



C. M. Brown, Testing Coordinator
Calipatria State Prison

DATE March 20, 2003

(T.A.B.E. Test Results, CAL-IV)

GENERAL CHRONO

CDC-128-B (Rev. 8/96)

NUMBER and NAME: T 23705

DANIELS

HOUSING

Test Date: 9/26/2007 Tab E Test Results

Reading	Score	GPL	12.9	Level / Form:
Math	Score	GPL	6.0	A10
Language	Score	GPL	2.4	
Total Battery	Score	GPL	5.9	

Issued by: TuckerExaminer/Teacher: TUCKER,T DRYW

Inmate copy

CENTINELA STATE PRISON-CEN

T A B E

GENERAL CHRONO

DATE: 9/27/2007

Men's Advisory Council Facility "B"

December 12th, 2007

M. Cullors, Principle & C. BRADLEY, Vice Principle the Education Department.
Centinela State Prison

CONFIRMATION OF MEETING HELD ON 12/12/07 (FACILITY 'B' EDUCATION OFFICE)

This letter is to confirm our meeting which took place within the Facility 'B' Education Office on 12/12/07, concerning the current status of our Law Libraries, Legal Research Computers, & Legal Assistance:

As per the 12/12/07 meeting with M. Cullors, Principle & C. Bradley, the Vice Principal of the Education Department, & the I.A.C. Sub-committee for Education/Vocation/Library Operations, with Gregg L. Barnes Chairman, P. Jackson Vice Chairman. We hereby notify Staff & The General Population at Centinela State Prison of the following facts/results of the particular meetings.

With the above mentioned C. Bradley concurrence, his awareness of federal law & binding Constitutional mandates, it has been resolved that:

We are pleased to report the Education Tutor Program(s) are being implemented. We have (3) Coordinators which are being hired. M. Conover H-98704 B4-220L, A. Reyes K-65473 B3-120L, & J. Buckner F-75206 B5-240L. The Coordinators will be collecting applications for Tutors & Prospective Students. (Men that wish to learn and/or get a G.E.D./College Degree)

M. Cullors was shocked to hear, that the Law Library Computers were in fact never fully installed, she had been told everything was fine, she had also been told on several occasions that the D.A.R.'s & Law Weeks were up to date, & in the Libraries.

So M. Cullors, requested C. Bradley into the meeting. By which C. Bradley scheduled a trip for the 'A' Facility Law Library on 12/14/07 to get the straight answers.

After months of going back & forth the D.A.R.'s are still not being delivered to 'A' Facility Law Library, in fact the last issue was June 10th, 2007. The Law Weeks, there are a few scattered issues, but the last was in October, 2007.

Chairman G. Barnes, along with (3) men of the General Population, from 'B' Facility, made a complete list of all the Software & Problems with the (3) Legal Research Computers:

Not one of the Research Computers had all of the Research Software Books, starting with Computer # 1 the closest to the office, had the least. Computer # 2 the most, but all Computers had Books that had expired, Books were not accessible or when called on, the response a File missing or Disk needed.

It is clear, M. Cullors & C. Bradley were in fact being intentionally mislead.

C. Bradley, called a meeting in the 'A' Facility Law Library office, with M. Cotero, Anchando & Chairman G. Barnes.

C. Bradley asked G. Barnes to explain the problems.

Anchando said the update Software was on its way from Sacramento, but she & Cotero did know about the Software problems. They would now take the appropriate steps to resolve the problems.

G. Barnes ask would it be possible to have American Jurisprudence & Juris Secundum put on the Legal Research Computers, as it is required by law.

Anchando & Coterio both said no, that the full set of American Jurisprudence is in the Circulating Law Library as required by law.

G. Barnes said well I've been in this prison for (5) years, & have asked about the American Jurisprudence on numerous occasions, but never seen one volume of American Jurisprudence.

Anchando, said oh no you cannot look at the books themselves, but if you request a page or particular section, it could be copied & brought to the 'A' Facility Law Library for viewing.

2. G. Barnes asked how many other research materials are hidden away & why can they not be accessible to the General Population.

Anchando said no, if you know the Section Number or Page #.

G. Barnes said we are not Lawyers & even Lawyers would need to see the actual books, we are but Students of the Law, doing research.

C. Bradley said the trip & meeting had been very enlightening, that he will be looking into the matters & be working to find Common Sense solutions, meeting adjourned.

D.A.R.s

The D.A.R.s are now ordered, C. Bradley will look into the back issues. G. Barnes explained that the D.A.R.s are our only window into our Courts, because the books & computers are at least a year out of date. We need the back issues of the D.A.R.s, our last issue was dated 06/16/07.

Law Weeks

C. Bradley made phone calls to the Law Libraries, both Law Libraries report the Law Weeks are current to October & under the counter.

American Jurisprudence

C. Bradley made phone calls; the American Jurisprudence are in the Main Law Library in Facility 'C' Voc. as per the D.O.M. & the Circulating Law Library requirements, the American Jurisprudence will be sent to Facility 'A' Law Library for use.

The computer in the Law Library will be receiving their up-dates, C. Bradley will look into having the American Jurisprudence up-dated & activated as Well.

Such law books/volumes as **American Jurisprudence 2d**, Corpus Jurist Secondom, California Appellate Reports, first & second series, Federal Jurisprudence 2d. continuing through California Jurisprudence 3d., among others. These are required by law, refer to The D.O.M. § 53060.14.

Court Deadlines

The need to have Priority Ducats for the Men with Court Ordered Deadlines, & the need for the Custody Staff to call in the Court Deadlines to the Law Library.

General Population with Court deadlines should, without excuse, be given access to the law libraries, legal assistance, legal materials & copy services, without regard for work, vocational, or educational assignments. If such access would conflict with such, assignment hours.

All the General Population with or without Court Deadlines should have Reasonable Access to Legal Materials at least (10) hours per week, which has been found to be reasonable by The U.S. 9th Circuit Court of Appeals, such rulings are binding on state prison personnel & must be adhered to. The General Population with Court Ordered Deadlines must be given Daily Access to the Law Libraries and/or all necessary Legal Materials, Legal Assistance & Copying Services.

3.

(Blue) priority ducats takes precedence over assigned jobs & are necessary: Because the Courts have ordered the individual man of the General Population, to respond within the Court ordered deadline. These are normally **10 to 90 days**. But with the normal lockdowns it can take days, weeks, to even inform the Librarian on 'A' Facility, & then **7 to 10 days for her to verify** the Court order. Then after the deadline has been established, the man has not been allowed access if he does not have a scheduled day off, even if his job hours do not conflict with the libraries normal hours of **9 a.m. to 11 a.m.** Even with no job or instructor for the week or month. C. Bradley will be considering these matters & render his response within (3) weeks.

Legal Assistance

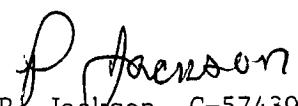
M. Cullors, will be helping us with the start of this program.

Please Review the above & Sign to confirm or Set a Date & Time to Meet, as your assistance in this matter is essential to Our Success, Thank You. If you have any further questions, please feel free to contact me through the Facility 'B' Program Offices at extension 6202.

Without Prejudice, UCC 1-207 & 1-103


G. L. Barnes, T-94664

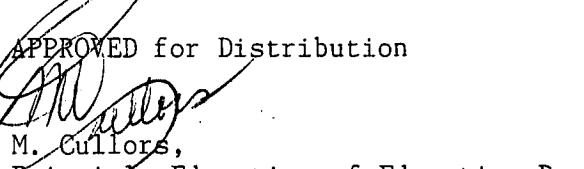
B4-112L
Facility 'B' MAC Chairman


P. Jackson

P. Jackson, C-57439

B2-138L

Fac. 'B' MAC V-Chairman


APPROVED for Distribution

CONFIRMED or SCHEDULE MEETING:

Date , Time

M. Cullors,
Principle Education of Education Department
Centinela State Prison

cc: ALL M.A.C. Chairmen

Memorandum

Date : December 16th, 2007

To : All Facility 'B' Staff:
Centinela State Prison

Subject: ACCESSIBILITY TO FACILITY 'B' HOUSING UNITS FOR COORDINATORS OF THE TUTOR PROGRAMS:

The Coordinators of the Educational Peer Tutoring Program, are allowed access to all Housing Units. This access is to allow the Coordinator(s) access to the Building Tutors & Students of these programs.

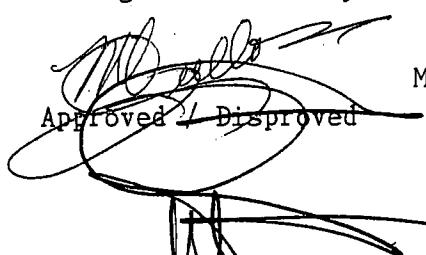
The Coordinators will eventually be given identification cards.

Coordinators:

Conover	H-98704	B4-220L
Reyes	K-65473	B3-120L
Buckner	F-75206	B5-240L

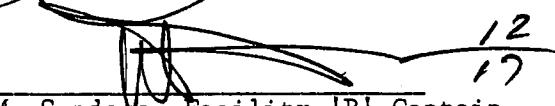
Please release these individuals at 8:00 am. 12:30 & 19:30 hours.

If you have any further question, please feel free to contact me through the Facility 'B' Program Office at extension 6200.


M. Cullors, Principle of Education

Approved / Disapproved

12
17


M. Sanders, Facility 'B' Captain
Centinela State Prison

RECEIVED CAL APPEALS OCT 05 2005

DUCAT PASS CDC 129 DATE: 06/21/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C3-241
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 06/27/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C3-241
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 07/05/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C3-241
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 08/28/02
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C3-241
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 08/22/02
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C3-141
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 06/23/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C3-241
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 07/01/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C3-241
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 07/09/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23703 NAME: DANIELS CELL: C3-241
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 08/20/02
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C3-241
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 08/18/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23703 NAME: DANIELS CELL: C3-241
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

10

DUCAT PASS CDC 129 DATE: 10/03/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: **TIME: RECORDED BY:**

DUCAT PASS CDC 129 DATE: 10/07/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY "D" LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: **TIME: RECORDED BY:**

DUCAT PASS CDC 129 DATE: 10/17/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: **TIME: RECORDED BY:**

DUCAT PASS CDC 129 DATE: 10/29/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: **TIME: RECORDED BY:**

DUCAT PASS CDC 129 DATE: 11/06/02
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-32705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

DUCAT PASS CDC 129 DATE: 09/17/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C3-129
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: **TIME: RECORDED BY:**

DUCAT PASS CDC 129 DATE: 10/05/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: **TIME: RECORDED BY:**

DUCAT PASS CDC 129 DATE: 10/09/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: **TIME: RECORDED BY:**

DUCAT PASS CDC 129 DATE: 10/23/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: **TIME: RECORDED BY:**

DUCAT PASS CDC 129 DATE: 11/04/02
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: **TIME: RECORDED BY:**

DUCAT PASS CDC 129 DATE: 11/08/02
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-34705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: **TIME: RECORDED BY:**

2.

RECEIVED CAL APPEALS OCT 05 2005

CAL 0 05 12 18

DUCAT PASS CDC 129 DATE: 11/10/02
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-135
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

DUCAT PASS CDC 129 DATE: 11/12/02
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 11/22/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 11/24/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 0845

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 11/26/02
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 11/30/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 12/02/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 12/04/02
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 12/06/02
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 12/08/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

3.

RECEIVED CAL 05 05 2005

DUCAT PASS CDC 129 DATE: 10/11/2002

NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
NUMBER: T-23705 NAME: DANIELS CELL: CS-137

PASS TO : FAC 'D' LAW LIBRARY
REASON: LAW LIBRARY
TIME: 1115

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 10/21/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
NUMBER: T-23705 NAME: DANIELS CELL: CS-137

PASS TO : FAC 'D' LAW LIBRARY
REASON: LAW LIBRARY
TIME: 1115

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 12/28/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
NUMBER: T-23705 NAME: DANIELS CELL: CS-137

PASS TO : FAC 'D' LAW LIBRARY
REASON: LAW LIBRARY
TIME: 0845

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 01/05/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
NUMBER: T-23705 NAME: DANIELS CELL: CS-137

PASS TO : FAC 'D' LAW LIBRARY
REASON: LAW LIBRARY
TIME: 1115

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 01/19/2003
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
NUMBER: T-23705 NAME: DANIELS CELL: CS-137

PASS TO : FAC 'D' LAW LIBRARY
REASON: LAW LIBRARY
TIME: 1115

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

CAL

0 05 12 18

DATE: 10/19/2002

NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
NUMBER: T-23705 NAME: DANIELS CELL: CS-137

PASS TO : FAC 'D' LAW LIBRARY
REASON: LAW LIBRARY
TIME: 1115

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 10/27/02
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
NUMBER: T-23705 NAME: DANIELS CELL: CS-137

PASS TO : FAC 'D' LAW LIBRARY
REASON: LAW LIBRARY
TIME: 1115

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 01/03/2003
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
NUMBER: T-23705 NAME: DANIELS CELL: CS-137

PASS TO : FAC 'D' LAW LIBRARY
REASON: LAW LIBRARY
TIME: 0845

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 01/09/2003
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
NUMBER: T-23705 NAME: DANIELS CELL: CS-137

PASS TO : FAC 'D' LAW LIBRARY
REASON: LAW LIBRARY
TIME: 1115

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 01/25/2003
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
NUMBER: T-23705 NAME: DANIELS CELL: CS-137

PASS TO : FAC 'D' LAW LIBRARY
REASON: LAW LIBRARY
TIME: 1115

4.

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

RECEIVED CAL AFFAIRS OCT 05 2005

CAL

O 05 12 18

DUCAT PASS CDC 129 DATE: 02/20/2003
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1345

DUCAT PASS CDC 129 DATE: 02/22/2003
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C5-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 02/26/2003
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1345

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 03/12/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FAC "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 03/14/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FAC "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 03/16/2003
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 0845

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 03/18/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FAC "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

"GENERAL" DUCAT PASS CDC 129 DATE: 4/5/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : D-LAW LIBRARY
 REASON: LAW LIB
 TIME: 1115

"GENERAL" DUCAT PASS CDC 129 DATE: 4/7/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : "D" LAW LIBRARY
 REASON: LAW LIB
 TIME: 1115

"GENERAL" DUCAT PASS CDC 129 DATE: 4/9/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : "D" LAW LIBRARY
 REASON: LAW LIB
 TIME: 1115

5.

RECEIVED CAL ADAMS OCT 05 2003

DUCAT PASS CDC 129 DATE: 04/11/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 04/19/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 0845

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 04/25/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 0845

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 05/01/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY D LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 05/07/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FAC "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 **GAL** DATE: 04/17/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 04/21/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 04/28/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C3-241
 PASS TO : FACILITY 'D' LIBRARY
 REASON: LAW LIBRARY
 TIME: 0845

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 05/03/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 05/09/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23205 NAME: DANIELS CELL: CS-137
 PASS TO : FAC "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 05/11/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23205 NAME: DANIELS CELL: CS-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 05/17/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 05/23/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 05/27/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FAC "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 0845

IAO

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 06/04/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 **CAL** DATE: 05/31/218
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 05/19/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FAC "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 05/25/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-134
 PASS TO : FAC "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 05/29/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 06/06/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1345

IAO

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 06/08/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

DUCAT PASS CDC 129 DATE: 06/12/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: FAC "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1345

IAO

DUCAT PASS CDC 129 DATE: 06/16/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: FAC 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

DUCAT PASS CDC 129 DATE: 07/02/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: FAC "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

DUCAT PASS CDC 129 DATE: 07/10/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: P23762 NAME: DAVIS CELL: CS-137
 PASS TO: FAC "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1345

IAO

ARRIVAL TIME: RECORDING BY:
 DEPART TO: TIME: RECORDING BY:

DUCAT PASS CDC 129 DATE: 06/10/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME: RECORDING BY:
 DEPART TO: TIME: RECORDING BY:

DUCAT PASS CDC 129 DATE: 06/14/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME: RECORDING BY:
 DEPART TO: TIME: RECORDING BY:

DUCAT PASS CDC 129 DATE: 06/20/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME: RECORDING BY:
 DEPART TO: TIME: RECORDING BY:

DUCAT PASS CDC 129 DATE: 07/08/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO
RECORDED BY:

ARRIVAL TIME: RECORDING BY:
 DEPART TO: TIME: RECORDING BY:

DUCAT PASS CDC 129 DATE: 07/20/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23755 NAME: DANIELS CELL: CS-137
 PASS TO: FAC "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

8c

ARRIVAL TIME: RECORDING BY:
 DEPART TO: TIME: RECORDING BY:

ARRIVAL TIME: RECORDING BY:
 DEPART TO: TIME: RECORDING BY:

DUCAT PASS CDC 129 DATE: 09/14/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 09/24/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY 'D' YARD LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 10/12/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 11/01/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 11/09/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 11/15/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY 'C' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 10/10/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 10/20/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 11/07/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 11/15/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **RECORDED BY:**
 DEPART TO: TIME: **RECORDED BY:**

DUCAT PASS CDC 129 DATE: 11/17/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

DUCAT PASS CDC 129 DATE: 11/17/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

10/05/08 12:16
 IAO

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 11/29/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

DUCAT PASS CDC 129 DATE: 12/01/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 12/03/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

DUCAT PASS CDC 129 DATE: 12/05/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 12/07/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

DUCAT PASS CDC 129 DATE: 12/11/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 12/21/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

DUCAT PASS CDC 129 DATE: 12/27/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO: FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

10/05/08 12:16
 IAO

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 12/29/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 01/08/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 01/14/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 01/24/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 02/07/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 02/04/2004
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 01/10/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 01/16/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 01/28/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-139
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 02/09/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

~~NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY~~
DUCAT PASS CDC 129 DATE: 02/11/04
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 02/15/04
~~NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY~~
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 02/19/04
~~NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY~~
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 02/23/04
~~NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY~~
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 02/27/04
~~NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY~~
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

~~NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY~~
DUCAT PASS CDC 129 ~~CAL~~ DATE: 02/15/04 1218
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 02/18/04
~~NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY~~
 NUMBER: H22924 NAME: HOAG CELL: CS-137
 PASS TO : FACILITY "C" RECREATIONAL LIBRARY
 REASON: RECREATIONAL LIBRARY
 TIME: 1100

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 02/21/04
~~NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY~~
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 02/25/04
~~NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY~~
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 03/04/04
~~NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY~~
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

ARRIVAL TIME:	RECORDED BY:
DEPART TO:	TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 03/08/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

IAO

ARRIVAL TIME:

RECORDED BY:

DEPART TO: TIME:

RECORDED BY:

DUCAT PASS CDC 129

DATE: 03/12/04

NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY 'D' LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

RECORDED BY:

ARRIVAL TIME: DEPART TO: TIME:

RECORDED BY:

DUCAT PASS CDC 129

DATE: 03/16/04

NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

IAO

ARRIVAL TIME:

RECORDED BY:

DEPART TO: TIME:

RECORDED BY:

DUCAT PASS CDC 129

DATE: 03/20/04

NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

IAO

RECORDED BY:

ARRIVAL TIME:

ARRIVAL TIME:

RECORDED BY:

DEPART TO:

TIME:

RECORDED BY:

TIME:

RECORDED BY:

DUCAT PASS CDC 129

DATE: 03/30/04

NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

IAO

ARRIVAL TIME:

RECORDED BY:

DEPART TO:

TIME:

RECORDED BY:

DUCAT PASS CDC 129 **CAL** DATE: 03/05/04 1218
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY 'D' LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

IAO

ARRIVAL TIME:

RECORDED BY:

DEPART TO:

TIME:

RECORDED BY:

DUCAT PASS CDC 129

DATE: 03/14/04

NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY 'D' LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

IAO

ARRIVAL TIME:

RECORDED BY:

DEPART TO:

TIME:

RECORDED BY:

DUCAT PASS CDC 129

DATE: 03/18/04

NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

IAO

RECORDED BY:

DUCAT PASS CDC 129

DATE: 03/28/04

NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY 'D' LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

IAO

ARRIVAL TIME:

RECORDED BY:

DEPART TO:

TIME:

RECORDED BY:

DUCAT PASS CDC 129

DATE: 03/30/04

NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

IAO

ARRIVAL TIME:

RECORDED BY:

DEPART TO:

TIME:

RECORDED BY:

DUCAT PASS CDC 129

DATE: 04/01/04

NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

IAO

13

ARRIVAL TIME:

RECORDED BY:

DEPART TO:

TIME:

RECORDED BY:

RECEIVED CAL APPALS 6/17/08 9:26

DUCAT PASS CDC 129 DATE: 06/02/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY **IAO**
 TIME: 1115

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 06/22/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY **IAO**
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 07/02/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 07/14/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 07/26/04
NOT VALID DURING HOURS OF ASSIGNMENT
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 08/11/04
NOT VALID DURING HOURS OF ASSIGNMENT
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

DUCAT PASS CDC 129 **CAL** DATE: 06/08/04 218
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 06/28/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 07/12/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY **IAO**
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 07/20/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 07/30/04
NOT VALID DURING HOURS OF ASSIGNMENT
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

DUCAT PASS CDC 129 DATE: 07/08/03
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: P23762 NAME: DAVIS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY **14**
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 04/07/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

RECORDED BY:

DUCAT PASS CDC 129 DATE: 04/21/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

RECORDED BY:

DUCAT PASS CDC 129 DATE: 05/03/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

RECORDED BY:

DUCAT PASS CDC 129 DATE: 05/07/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

RECORDED BY:

DUCAT PASS CDC 129 DATE: 05/21/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

RECORDED BY:

DUCAT PASS CDC 129 DATE: 04/09/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137
 PASS TO : FACILITY 'D' LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

IAO

04/05/12 18

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 04/24/2002
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T-23705 NAME: DANIELS CELL: C3-241

PASS TO : FACILITY 'D' LIBRARY

REASON: LAW LIBRARY

TIME: 1345

DUCAT PASS CDC 129 DATE: 05/05/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137

PASS TO : FACILITY 'D' LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

IAC

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 05/19/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

IAO

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 05/27/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
 NUMBER: T23705 NAME: DANIELS CELL: C5-137

PASS TO : FACILITY 'D' LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

IAO

15

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 120 DATE: 08/19/04 05/29/2008

NOT VALID DURING HOURS OF ASSIGNMENT
NUMBER: T23705 NAME: DANIELS CELL: C5-137ASS TO : FACILITY 'D' LAW LIBRARY
REASON: LAW LIBRARY
IME: 1115

IAO

ARRIVAL TIME: RECORD BY:
DEPART TO: TIME: RECORD BY:

DUCAT PASS CDC 129 DATE: 08/17/04

NOT VALID DURING HOURS OF ASSIGNMENT
NUMBER: T23705 NAME: DANIELS CELL: C5-137PASS TO : FACILITY "D" LAW LIBRARY
REASON: LAW LIBRARY
TIME: 1115ARRIVAL TIME: RECORD BY:
DEPART TO: TIME: RECORD BY:

DUCAT PASS CDC 129 DATE: 08/19/04

NOT VALID DURING HOURS OF ASSIGNMENT
NUMBER: T23705 NAME: DANIELS CELL: C5-137PASS TO : FACILITY "D" LAW LIBRARY
REASON: LAW LIBRARY
TIME: 1115ARRIVAL TIME: RECORD BY:
DEPART TO: TIME: RECORD BY:DUCAT PASS CDC 129 DATE: 08/23/04
NOT VALID DURING HOURS OF ASSIGNMENT EXCEPT FOR LAW LIBRARY
NUMBER: T23705 NAME: DANIELS CELL: C5-137PASS TO : FACILITY "D" LAW LIBRARY
REASON: LAW LIBRARY
TIME: 1115

IAO

ARRIVAL TIME: RECORD BY:
DEPART TO: TIME: RECORD BY:

DUCAT PASS CDC 129 DATE: 08/25/04

NOT VALID DURING HOURS OF ASSIGNMENT
NUMBER: T23705 NAME: DANIELS CELL: C5-137PASS TO : FACILITY "D" LAW LIBRARY
REASON: LAW LIBRARY
TIME: 1115

IAO

ARRIVAL TIME: RECORD BY:
DEPART TO: TIME: RECORD BY:DUCAT PASS CDC 129 DATE: 08/27/04
NOT VALID DURING HOURS OF ASSIGNMENT 05/29/2008 05/12/18
NUMBER: T23705 NAME: DANIELS CELL: C5-137PASS TO : FACILITY "D" LAW LIBRARY
REASON: LAW LIBRARY
TIME: 1115

IAO

ARRIVAL TIME: RECORD BY:
DEPART TO: TIME: RECORD BY:

DUCAT PASS CDC 129 DATE: 08/31/04

NOT VALID DURING HOURS OF ASSIGNMENT
NUMBER: T23705 NAME: DANIELS CELL: C5-137PASS TO : FACILITY "D" LAW LIBRARY
REASON: LAW LIBRARY
TIME: 1115

IAO

ARRIVAL TIME: RECORD BY:
DEPART TO: TIME: RECORD BY:

DUCAT PASS CDC 129 DATE: 09/02/04

NOT VALID DURING HOURS OF ASSIGNMENT
NUMBER: T23705 NAME: DANIELS CELL: C5-137PASS TO : FACILITY "D" LAW LIBRARY
REASON: LAW LIBRARY
TIME: 1115

IAO

ARRIVAL TIME: RECORD BY:
DEPART TO: TIME: RECORD BY:

DUCAT PASS CDC 129 DATE: 09/08/04

NOT VALID DURING HOURS OF ASSIGNMENT
NUMBER: T23705 NAME: DANIELS CELL: C5-137PASS TO : FACILITY "D" LAW LIBRARY
REASON: LAW LIBRARY
TIME: 1115

IAO

ARRIVAL TIME: RECORD BY:
DEPART TO: TIME: RECORD BY:DUCAT PASS CDC 129 DATE: 09/14/04
NOT VALID DURING HOURS OF ASSIGNMENT
NUMBER: T23705 NAME: DANIELS CELL: C5-137PASS TO : FACILITY "D" LAW LIBRARY
REASON: LAW LIBRARY
TIME: 1115

IAO

ARRIVAL TIME: RECORD BY:
DEPART TO: TIME: RECORD BY:

DUCAT PASS CDC 129L APPLN'S DATE: 09/15/04
NOT VALID DURING HOURS OF ASSIGNMENT
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "C" RECREATIONAL LIBRARY
 REASON: RECREATIONAL LIBRARY
 TIME: 1430

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 09/16/04
NOT VALID DURING HOURS OF ASSIGNMENT
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 09/10/04
NOT VALID DURING HOURS OF ASSIGNMENT
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 09/20/04
NOT VALID DURING HOURS OF ASSIGNMENT
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 09/22/04
NOT VALID DURING HOURS OF ASSIGNMENT
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

DUCAT PASS CDC 129 DATE: 09/24/04
NOT VALID DURING HOURS OF ASSIGNMENT
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 CAL DATE: 09/04/04 218
NOT VALID DURING HOURS OF ASSIGNMENT
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1345

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 10/08/04
NOT VALID DURING HOURS OF ASSIGNMENT
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 10/28/04
NOT VALID DURING HOURS OF ASSIGNMENT
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 11/03/04
NOT VALID DURING HOURS OF ASSIGNMENT
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 11/05/04
NOT VALID DURING HOURS OF ASSIGNMENT
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 11/09/04
NOT VALID DURING HOURS OF ASSIGNMENT
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1415

ARRIVAL TIME: RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 01/15/04

NOT VALID DURING HOURS OF ASSIGNMENT

NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1415

ARRIVAL TIME:

RECORDED BY:
IAO

DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 12/11/04

NOT VALID DURING HOURS OF ASSIGNMENT

NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 12/13/04

NOT VALID DURING HOURS OF ASSIGNMENT

NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1415

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 12/15/04

NOT VALID DURING HOURS OF ASSIGNMENT

NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 12/17/04

NOT VALID DURING HOURS OF ASSIGNMENT

NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 12/19/04

NOT VALID DURING HOURS OF ASSIGNMENT

NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1415

IAO

RECORDED BY:

ARRIVAL TIME: RECORDED BY:
DEPART TO: TIME: RECORDED BY:CAL 0 05 1218
DUCAT PASS CDC 129 DATE: 01/20/05NOT VALID DURING HOURS OF ASSIGNMENT

NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1415

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 01/22/05

NOT VALID DURING HOURS OF ASSIGNMENT

NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 02/03/05

NOT VALID DURING HOURS OF ASSIGNMENT

NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 02/09/05

NOT VALID DURING HOURS OF ASSIGNMENT

NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 02/25/05

NOT VALID DURING HOURS OF ASSIGNMENT

NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1115

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 02/27/05

NOT VALID DURING HOURS OF ASSIGNMENT

NUMBER: T23705 NAME: DANIELS CELL: CS-137

PASS TO : FACILITY "D" LAW LIBRARY

REASON: LAW LIBRARY

TIME: 1415

18

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

IAO

RECORDED BY:

~~VALID DURING HOURS OF ASSIGNMENT~~ DATE: 03/01/05
DUCAT PASS CDC 129
~~NOT VALID DURING HOURS OF ASSIGNMENT~~
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 03/05/05
~~NOT VALID DURING HOURS OF ASSIGNMENT~~
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 0845

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 03/07/05
~~NOT VALID DURING HOURS OF ASSIGNMENT~~
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1415

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 03/09/05
~~NOT VALID DURING HOURS OF ASSIGNMENT~~
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 03/11/05
~~NOT VALID DURING HOURS OF ASSIGNMENT~~
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **IAO** RECORDED BY:

DUCAT PASS CDC 129 DATE: 03/15/05
~~NOT VALID DURING HOURS OF ASSIGNMENT~~
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 ~~IAO~~ DATE: 03/17/05 18
~~NOT VALID DURING HOURS OF ASSIGNMENT~~
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 03/19/05
~~NOT VALID DURING HOURS OF ASSIGNMENT~~
 NUMBER: T23705 NAME: DANIELS CELL: CS-137
 PASS TO : FACILITY "D" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 0845

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 05/11/05
~~NOT VALID DURING HOURS OF ASSIGNMENT~~
 NUMBER: T23705 NAME: DANIELS CELL: A3-141
 PASS TO : "A" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 05/17/05
~~NOT VALID DURING HOURS OF ASSIGNMENT~~
 NUMBER: T23705 NAME: DANIELS CELL: A3-141
 PASS TO : "A" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 0845

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

DUCAT PASS CDC 129 DATE: 05/17/05
~~NOT VALID DURING HOURS OF ASSIGNMENT~~
 NUMBER: T23705 NAME: DANIELS CELL: A3-141
 PASS TO : "A" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1115

ARRIVAL TIME: **IAO** RECORDED BY:

DUCAT PASS CDC 129 DATE: 05/21/05
~~NOT VALID DURING HOURS OF ASSIGNMENT~~
 NUMBER: T23705 NAME: DANIELS CELL: A3-141
 PASS TO : "A" LAW LIBRARY
 REASON: LAW LIBRARY
 TIME: 1415

ARRIVAL TIME: **IAO** RECORDED BY:
 DEPART TO: TIME: RECORDED BY:

GENERAL DUCAT: Failure to respond results in CDC 115

Case 3:08-cv-00961-IEG-NLS Document 1-3 Filed 05/29/2008 Page 26 of 83 2007
DATE: JAN 03 2007

NAME: DANIELS CDC# T-23705 RM: B4-141

TO: LAW LIBRARY REASON: LEGAL RESEARCH

TIME: 0845 AUTHORIZED BY: *Keller*

NOT AUTHORIZED DURING WORK HOURS

GENERAL DUCAT: Failure to respond results in CDC 115

DATE: JAN 08 2007

NAME: DANIELS CDC# T-23705 RM: B4-144

TO: LAW LIBRARY REASON: LEGAL RESEARCH

TIME: 0845 AUTHORIZED BY: *Keller*

NOT AUTHORIZED DURING WORK HOURS

GENERAL DUCAT: Failure to respond results in CDC 115

DATE: JAN 11 2007

NAME: DANIELS CDC# T-23705 RM: B4-131

TO: LAW LIBRARY REASON: LEGAL RESEARCH

TIME: 0845 AUTHORIZED BY: *Keller*

NOT AUTHORIZED DURING WORK HOURS

GENERAL DUCAT: Failure to respond results in CDC 115

DATE: JAN 22 2007

NAME: DANIELS CDC# T-23705 RM: B4-131

TO: LAW LIBRARY REASON: LEGAL RESEARCH

TIME: 0845 AUTHORIZED BY: *Keller*

NOT AUTHORIZED DURING WORK HOURS

GENERAL DUCAT: Failure to respond results in CDC 115

DATE: FEB 03 2007

NAME: DANIELS DEADLINER CDC# T-23705 RM: B4-131

TO: LAW LIBRARY REASON: LEGAL RESEARCH

TIME: 0845 AUTHORIZED BY: *Keller*

NOT AUTHORIZED DURING WORK HOURS

GENERAL DUCAT: Failure to respond results in CDC 115

Document 1-3 Filed 05/29/2008 Page 26 of 83 2007
DATE: JAN 03 2007

NAME: DANIELS CDC# T-23705 RM: B4-143

TO: LAW LIBRARY REASON: LEGAL RESEARCH

TIME: 0845 AUTHORIZED BY: *Keller*

NOT AUTHORIZED DURING WORK HOURS

GENERAL DUCAT: Failure to respond results in CDC 115

DATE: JAN 10 2007

NAME: DANIELS T-23705 B4-124

NAME: DANIELS CDC# T-23705 RM: B4-124

TO: LAW LIBRARY REASON: LEGAL RESEARCH

TIME: 0845 AUTHORIZED BY: *Keller*

NOT AUTHORIZED DURING WORK HOURS

GENERAL DUCAT: Failure to respond results in CDC 115

DATE: JAN 21 2007

NAME: DANIELS T-23705 B4-131

TO: LAW LIBRARY REASON: LEGAL RESEARCH

TIME: 0845 AUTHORIZED BY: *Keller*

NOT AUTHORIZED DURING WORK HOURS

GENERAL DUCAT: Failure to respond results in CDC 115

DATE: JAN 28 2007

NAME: DANIELS T-23705 B4-131

TO: LAW LIBRARY REASON: LEGAL RESEARCH

TIME: 0845 AUTHORIZED BY: *Keller*

NOT AUTHORIZED DURING WORK HOURS

GENERAL DUCAT: Failure to respond results in CDC 115

DATE: FEB 04 2007

NAME: DANIELS DEADLINER CDC# T-23705 RM: B4-131

TO: LAW LIBRARY REASON: LEGAL RESEARCH

TIME: 0845 AUTHORIZED BY: *Keller*

NOT AUTHORIZED DURING WORK HOURS

20

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL DUCAT CENTINELA

JOB INFO:

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: A. HUTCHESON	DATE: 4-26-07	APPROVED BY: [Signature]
PASS TO: A LAW LIBRARY	DATE: 4-29-07	TIME: 0845

REASON: LEAGAL RESEARCH

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO:

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: L. CONAWAY	DATE: 05/04/07	APPROVED BY: [Signature]
PASS TO: "A" LAW LIBRARY	DATE: 05/04/07	TIME: 8:45

REASON: LEGAL RESEARCH

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO:

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 05/08/07	APPROVED BY: [Signature]
PASS TO: A SATELLITE LAW LIBRARY	DATE: 05/09/07	TIME: 0845

REASON: LEGAL RESEARCH

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO:

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 05/11/07	APPROVED BY: [Signature]
PASS TO: A SATELLITE LAW LIBRARY	DATE: 05/14/07	TIME: 0845

REASON: LEGAL RESEARCH

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO:

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 05/16/07	APPROVED BY: [Signature]
PASS TO: A SATELLITE LAW LIBRARY	DATE: 05/17/07	TIME: 0845

REASON: LEGAL RESEARCH

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: L. CONAWAY	DATE: 4/26/07	APPROVED BY: [Signature]
PASS TO: "A" LAW LIBRARY	DATE: 4/30/07	TIME: 8:45

REASON: LEGAL RESEARCH

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 05/04/07	APPROVED BY: [Signature]
PASS TO: A SATELLITE LAW LIBRARY	DATE: 05/07/07	TIME: 0845

REASON: LEGAL RESEARCH

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-149
ISSUED BY: M. COTERO	DATE: 05/10/07	APPROVED BY: [Signature]
PASS TO: A SATELLITE LAW LIBRARY	DATE: 05/11/07	TIME: 0845

REASON: LEGAL RESEARCH

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL A LAW LIBRARY CENTINELA

JOB INFO: UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: A. HUTCHESON	DATE: 5/14/05	APPROVED BY: [Signature]
PASS TO: A LAW LIBRARY	DATE: 5/15/05	TIME: 0845

REASON: LEGAL RESEARCH

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL LAW LIBRARY CENTINELA

JOB INFO: UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: A. HUTCHESON	DATE: 5/20/07	APPROVED BY: [Signature]
PASS TO: A LAW LIBRARY	DATE: 5/22/07	TIME: 0845

REASON: LEGAL RESEARCH

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

INMATE PASS DEPT OF CORRECTIONS CDC 129-a
GENERAL CENTINELA

JOB INFO:

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 05/23/07	APPROVED BY: <i>S. C. C.</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 05/24/07	TIME: 0845
REASON: LEGAL RESEARCH		

ARRIVAL TIME:

RECORDED BY:

A

DEPART TO:

TIME:

RECORDED BY:

D

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 05/30/07	APPROVED BY: <i>S. C. C.</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 05/31/07	TIME: 0845
REASON: LEGAL RESEARCH		

ARRIVAL TIME:

RECORDED BY:

A

DEPART TO:

TIME:

RECORDED BY:

D

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 06/06/07	APPROVED BY: <i>S. C. C.</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 06/08/07	TIME: 0845
REASON: LEGAL RESEARCH		

ARRIVAL TIME:

RECORDED BY:

A

DEPART TO:

TIME:

RECORDED BY:

D

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 06/22/07	APPROVED BY: <i>S. C. C.</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 06/26/07	TIME: 0845
REASON: LEGAL RESEARCH		

ARRIVAL TIME:

RECORDED BY:

A

DEPART TO:

TIME:

RECORDED BY:

D

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 06/28/07	APPROVED BY: <i>S. C. C.</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 07/03/07	TIME: 0845
REASON: LEGAL RESEARCH		

ARRIVAL TIME:

RECORDED BY:

A

DEPART TO:

TIME:

RECORDED BY:

D

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: S/S

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 05/23/08	APPROVED BY: <i>D. B. P.</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 05/25/08	TIME: 0845
REASON: LEGAL RESEARCH		

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 06/02/07	APPROVED BY: <i>S. C. C.</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 06/05/07	TIME: 0845
REASON: LEGAL RESEARCH		

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL LAW LIBRARY CENTINELA

JOB INFO: UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: A. HUTCHESON	DATE: 06/12/07	APPROVED BY: <i>S. C. C.</i>
PASS TO: A LAW LIBRARY	DATE: 06/13/07	TIME: 0845
REASON: LEGAL RESEARCH		

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 06/27/07	APPROVED BY: <i>S. C. C.</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 07/02/07	TIME: 0845
REASON: LEGAL RESEARCH		

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-213
ISSUED BY: M. COTERO	DATE: 07/05/07	APPROVED BY: <i>S. C. C.</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 07/09/07	TIME: 0845
REASON: LEGAL RESEARCH		

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

JOB INFO:

UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 07/20/07	APPROVED BY: <i>Sgt. S. C. Ollman</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 07/23/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:
---------------	--------------

DEPART TO:	TIME:	RECORDED BY:
------------	-------	--------------

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 08/14/07	APPROVED BY: <i>Sgt. S. C. Ollman</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 08/15/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:
---------------	--------------

DEPART TO:	TIME:	RECORDED BY:
------------	-------	--------------

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 08/03/07	APPROVED BY: <i>Sgt. S. C. Ollman</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 08/06/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:
---------------	--------------

DEPART TO:	TIME:	RECORDED BY:
------------	-------	--------------

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 08/10/07	APPROVED BY: <i>Sgt. S. C. Ollman</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 08/13/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:
---------------	--------------

DEPART TO:	TIME:	RECORDED BY:
------------	-------	--------------

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 08/24/07	APPROVED BY: <i>Sgt. S. C. Ollman</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 08/28/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:
---------------	--------------

DEPART TO:	TIME:	RECORDED BY:
------------	-------	--------------

JOB INFO:

UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 08/06/07	APPROVED BY: <i>Sgt. S. C. Ollman</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 08/07/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:
---------------	--------------

DEPART TO:	TIME:	RECORDED BY:
------------	-------	--------------

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 08/02/07	APPROVED BY: <i>Sgt. S. C. Ollman</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 08/03/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:
---------------	--------------

DEPART TO:	TIME:	RECORDED BY:
------------	-------	--------------

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 08/08/07	APPROVED BY: <i>Sgt. S. C. Ollman</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 08/09/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:
---------------	--------------

DEPART TO:	TIME:	RECORDED BY:
------------	-------	--------------

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 08/17/07	APPROVED BY: <i>Sgt. S. C. Ollman</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 08/21/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:
---------------	--------------

DEPART TO:	TIME:	RECORDED BY:
------------	-------	--------------

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: UN

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 08/29/07	APPROVED BY: <i>Sgt. S. C. Ollman</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 08/30/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:
---------------	--------------

DEPART TO:	TIME:	RECORDED BY:
------------	-------	--------------

DATE: MAR 24 2007

DATE: MAR 04 2007

NAME: DANIELS CDC# T-23705 RM: B5-147]

NAME: DANIELS CDC# T-23705 RM: B5-147

TO: LAW LIBRARY REASON: LEGAL RESEARCH

TO: LAW LIBRARY REASON: LEGAL RESEARCH

TIME: 0845 AUTHORIZED BY: *Keller*TIME: 0845 AUTHORIZED BY: *Sgt. S. Wallen*

NOT AUTHORIZED DURING WORK HOURS

GENERAL DUCAT: Failure to respond results in CDC 115

DATE: MAR 24 2007

DATE: DEC 27 2006

NAME: DANIELS CDC# T-23705 RM: B5-147]

NAME: DANIELS CDC# T-23705 RM: B4-144

TO: LAW LIBRARY REASON: LEGAL RESEARCH

TO: LAW LIBRARY REASON: LEGAL RESEARCH

TIME: 0845 AUTHORIZED BY: *Keller*TIME: 0845 AUTHORIZED BY: *Keller*

NOT AUTHORIZED DURING WORK HOURS

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELASTATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: UN

JOB INFO: UN

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 07/24/07	APPROVED BY: <i>Keller</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 07/25/07	TIME: 0845

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 09/04/07	APPROVED BY: <i>Keller</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 09/06/07	TIME: 0845

REASON: LEGAL RESEARCH

REASON: LEGAL RESEARCH

ARRIVAL TIME:	RECORDED BY:
DEPART TO: TIME:	RECORDED BY:

ARRIVAL TIME:	RECORDED BY:
DEPART TO: TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELASTATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: UN

JOB INFO: UN

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 09/13/07	APPROVED BY: <i>Keller</i>
PASS TO: SATELLITE LAW LIBRARY	DATE: 09/14/07	TIME: 0845

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 09/20/07	APPROVED BY: <i>Keller</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 09/21/07	TIME: 0845

REASON: LEGAL RESEARCH

REASON: LEGAL RESEARCH

ARRIVAL TIME:	RECORDED BY:
DEPART TO: TIME:	RECORDED BY:

ARRIVAL TIME:	RECORDED BY:
DEPART TO: TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELASTATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: UN

JOB INFO: S/S

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 09/26/07	APPROVED BY: <i>Keller</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 09/27/07	TIME: 0845

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 09/28/07	APPROVED BY: <i>Keller</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 09/29/07	TIME: 0845

REASON: LEGAL RESEARCH

REASON: LEGAL RESEARCH

ARRIVAL TIME:	RECORDED BY:
DEPART TO: TIME:	RECORDED BY:

ARRIVAL TIME:	RECORDED BY:
DEPART TO: TIME:	RECORDED BY:

31

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: S/S

NAME: DANIELS CDC# T23705 HOUSING: B5-147
ISSUED BY: M. COTERO DATE: 10/01/07 APPROVED BY: *Elleman*
PASS TO: A SATELLITE LAW LIBRARY DATE: 10/03/07 TIME: 0845

REASON: LEGAL RESEARCH

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: S/S

NAME: DANIELS CDC# T23705 HOUSING: B5-147
ISSUED BY: M. COTERO DATE: 10/12/07 APPROVED BY: *Elleman*
PASS TO: A SATELLITE LAW LIBRARY DATE: 10/13/07 TIME: 0845

REASON: LEGAL RESEARCH

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:
STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: 147 S/S

NAME: DANIELS CDC# T23705 HOUSING: B5-145
ISSUED BY: M. COTERO DATE: 10/26/07 APPROVED BY: *Elleman*
PASS TO: A SATELLITE LAW LIBRARY DATE: 10/27/07 TIME: 0845

REASON: LEGAL RESEARCH

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: S/S

NAME: DANIELS CDC# T23705 HOUSING: B5-147
ISSUED BY: M. COTERO DATE: 11/06/07 APPROVED BY: *Elleman*
PASS TO: A SATELLITE LAW LIBRARY DATE: 11/07/07 TIME: 0845

REASON: LEGAL RESEARCH

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: "DEADLINER" S/S

NAME: DANIELS CDC# T23705 HOUSING: B5-147
ISSUED BY: M. COTERO DATE: 11/16/07 APPROVED BY: *Elleman*
PASS TO: A SATELLITE LAW LIBRARY DATE: 11/18/07 TIME: 0845

REASON: LEGAL RESEARCH

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: "DEADLINER" S/S

NAME: DANIELS CDC# T23705 HOUSING: B5-147
ISSUED BY: M. COTERO DATE: 10/05/07 APPROVED BY: *Elleman*
PASS TO: A SATELLITE LAW LIBRARY DATE: 10/06/07 TIME: 0845

REASON: LEGAL RESEARCH

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: "DEADLINER" S/S

NAME: DANIELS CDC# T23705 HOUSING: B5-147
ISSUED BY: M. COTERO DATE: 10/19/07 APPROVED BY: *Elleman*
PASS TO: A SATELLITE LAW LIBRARY DATE: 10/21/07 TIME: 0845

REASON: LEGAL RESEARCH

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: "DEADLINER" S/S

NAME: DANIELS CDC# T23705 HOUSING: B5-147
ISSUED BY: M. COTERO DATE: 11/02/07 APPROVED BY: *Elleman*
PASS TO: A SATELLITE LAW LIBRARY DATE: 11/03/07 TIME: 0845

REASON: LEGAL RESEARCH

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: "DEADLINER" S/S

NAME: DANIELS CDC# T23705 HOUSING: B5-147
ISSUED BY: M. COTERO DATE: 11/16/07 APPROVED BY: *Elleman*
PASS TO: A SATELLITE LAW LIBRARY DATE: 11/17/07 TIME: 0845

REASON: LEGAL RESEARCH

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: "DEADLINER" S/S

NAME: DANIELS CDC# T23705 HOUSING: B5-147
ISSUED BY: M. COTERO DATE: 11/19/07 APPROVED BY: *Elleman*
PASS TO: A SATELLITE LAW LIBRARY DATE: 11/20/07 TIME: 0845

REASON: LEGAL RESEARCH

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

BB

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: "DEADLINER"		
NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 11/27/07	APPROVED BY: <i>S. C. Miller</i>
PASS TO: SATELLITE LAW LIBRARY	DATE: 11/29/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: _____ RECORDED BY: _____

DEPART TO: _____ TIME: _____ RECORDED BY: _____

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: "DEADLINER"

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: L. CONAWAY	DATE: 12/4/07	APPROVED BY: <i>S. C. Miller</i>
PASS TO: "A" LAW LIBRARY	DATE: 12/5/07	TIME: 8:30

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: _____ RECORDED BY: _____

DEPART TO: _____ TIME: _____ RECORDED BY: _____

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: "DEADLINER" S/S

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 12/07/07	APPROVED BY: <i>S. C. Miller</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 12/09/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: _____ RECORDED BY: _____

DEPART TO: _____ TIME: _____ RECORDED BY: _____

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: "DEADLINER" S/S

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 12/14/07	APPROVED BY: <i>S. C. Miller</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 12/16/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: _____ RECORDED BY: _____

DEPART TO: _____ TIME: _____ RECORDED BY: _____

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: S/S

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 12/21/07	APPROVED BY: <i>S. C. Miller</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 12/23/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: _____ RECORDED BY: _____

DEPART TO: _____ TIME: _____ RECORDED BY: _____

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: "DEADLINER"

S/S

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 11/30/07	APPROVED BY: <i>S. C. Miller</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 12/02/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: _____ RECORDED BY: _____

DEPART TO: _____ TIME: _____ RECORDED BY: _____

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: "DEADLINER" S/S

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 12/07/07	APPROVED BY: <i>S. C. Miller</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 12/08/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: _____ RECORDED BY: _____

DEPART TO: _____ TIME: _____ RECORDED BY: _____

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: "DEADLINER" S/S

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 12/14/07	APPROVED BY: <i>S. C. Miller</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 12/15/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: _____ RECORDED BY: _____

DEPART TO: _____ TIME: _____ RECORDED BY: _____

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: S/S

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 12/21/07	APPROVED BY: <i>S. C. Miller</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 12/22/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: _____ RECORDED BY: _____

DEPART TO: _____ TIME: _____ RECORDED BY: _____

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS GENERAL CENTINELA

JOB INFO: "DEADLINER" S/S

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 12/24/07	APPROVED BY: <i>S. C. Miller</i>
PASS TO: A SATELLITE LAW LIBRARY	DATE: 12/27/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: _____ RECORDED BY: _____

DEPART TO: _____ TIME: _____ RECORDED BY: _____

23

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS **GENERAL** CENTINELA

JOB INFO: S/S

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: A. HUTCHESON	DATE: 12/26/07	APPROVED BY:
PASS TO: "A" LAW LIBRARY	DATE: 12/29/07	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS **GENERAL** CENTINELA

JOB INFO: S/S

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 01/04/08	APPROVED BY:
PASS TO: A SATELLITE LAW LIBRARY	DATE: 01/05/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS **GENERAL** CENTINELA

JOB INFO: S/S

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 01/08/08	APPROVED BY:
PASS TO: A SATELLITE LAW LIBRARY	DATE: 01/09/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS **GENERAL** CENTINELA

JOB INFO: S/S

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 01/11/08	APPROVED BY:
PASS TO: A SATELLITE LAW LIBRARY	DATE: 01/13/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS **GENERAL** CENTINELA

JOB INFO: S/S

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 01/18/08	APPROVED BY:
PASS TO: A SATELLITE LAW LIBRARY	DATE: 01/20/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS **GENERAL** CENTINELA

JOB INFO:

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 12/31/07	APPROVED BY: 147
PASS TO: A SATELLITE LAW LIBRARY	DATE: 01/03/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS **GENERAL** CENTINELA

JOB INFO:

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 01/04/08	APPROVED BY:
PASS TO: A SATELLITE LAW LIBRARY	DATE: 01/06/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS **GENERAL** CENTINELA

JOB INFO:

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 01/11/08	APPROVED BY:
PASS TO: A SATELLITE LAW LIBRARY	DATE: 01/12/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS **GENERAL** CENTINELA

JOB INFO:

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 01/18/08	APPROVED BY:
PASS TO: A SATELLITE LAW LIBRARY	DATE: 01/19/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS **GENERAL** CENTINELA

JOB INFO:

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 01/25/08	APPROVED BY:
PASS TO: A SATELLITE LAW LIBRARY	DATE: 01/26/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

JOB INFO:

S/S

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 01/25/08	APPROVED BY:
PASS TO: A SATELLITE LAW LIBRARY	DATE: 01/27/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS
INMATE PASS GENERAL CDC 129-a
CENTINELA

JOB INFO:

S/S

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 02/08/08	APPROVED BY:
PASS TO: A SATELLITE LAW LIBRARY	DATE: 02/09/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS
INMATE PASS GENERAL CDC 129-a
CENTINELA

JOB INFO:

S/S

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 02/15/08	APPROVED BY:
PASS TO: A SATELLITE LAW LIBRARY	DATE: 02/16/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS
INMATE PASS GENERAL CDC 129-a
CENTINELA

JOB INFO:

S/S

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 03/06/08	APPROVED BY: L. Parrish
PASS TO: A SATELLITE LAW LIBRARY	DATE: 03/09/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS
INMATE PASS GENERAL CDC 129-a
CENTINELA

JOB INFO:

S/S

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 03/21/08	APPROVED BY: W. Willis
PASS TO: A SATELLITE LAW LIBRARY	DATE: 03/22/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

JOB INFO:

S/S

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 01/31/08	APPROVED BY:
PASS TO: A SATELLITE LAW LIBRARY	DATE: 02/02/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS
INMATE PASS GENERAL CDC 129-a
CENTINELA

JOB INFO:

S/S

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 02/08/08	APPROVED BY: L. Parrish
PASS TO: A SATELLITE LAW LIBRARY	DATE: 02/10/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS
INMATE PASS GENERAL CDC 129-a
CENTINELA

JOB INFO:

S/S

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 03/06/08	APPROVED BY: L. Parrish
PASS TO: A SATELLITE LAW LIBRARY	DATE: 03/08/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS
INMATE PASS GENERAL CDC 129-a
CENTINELA

JOB INFO:

S/S

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 03/14/08	APPROVED BY: L. Parrish
PASS TO: A SATELLITE LAW LIBRARY	DATE: 03/16/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS
INMATE PASS GENERAL CDC 129-a
CENTINELA

JOB INFO:

S/S

NAME: DANIELS	CDC# T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 03/21/08	APPROVED BY: W. Willis
PASS TO: A SATELLITE LAW LIBRARY	DATE: 03/23/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME:	RECORDED BY:	
DEPART TO:	TIME:	RECORDED BY:

25

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS **GENERAL** CENTINELA

JOB INFO: S/S

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 03/28/08	APPROVED BY: L. Parrish
PASS TO: A SATELLITE LAW LIBRARY	DATE: 03/30/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS **GENERAL** CENTINELA

JOB INFO: S/S

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 04/01/08	APPROVED BY: C. Bishop
PASS TO: A SATELLITE LAW LIBRARY	DATE: 04/02/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS **GENERAL** CENTINELA

JOB INFO: S/S

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 03/28/08	APPROVED BY: L. Parrish
PASS TO: A SATELLITE LAW LIBRARY	DATE: 03/29/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

STATE OF CALIFORNIA DEPT OF CORRECTIONS CDC 129-a
INMATE PASS **GENERAL** CENTINELA

JOB INFO: "DEADLINER" S/S

NAME: DANIELS	CDC#: T23705	HOUSING: B5-147
ISSUED BY: M. COTERO	DATE: 05/05/08	APPROVED BY: C. Bishop
PASS TO: A SATELLITE LAW LIBRARY	DATE: 05/06/08	TIME: 0845

REASON: **LEGAL RESEARCH**

ARRIVAL TIME: RECORDED BY:

DEPART TO: TIME: RECORDED BY:

26

EXHIBIT

F

1 COURT OF APPEAL OF THE STATE OF CALIFORNIA
2 FOURTH APPELLATE DISTRICT
3 DIVISION ONE
4

5 THE PEOPLE OF THE STATE OF)
6 CALIFORNIA,)
7 Plaintiff and) FROM SAN DIEGO COUNTY
8 Respondent,) HON. GALE E. KANESHIRO,
vs.) JUDGE
9 TED DARNELL DANIELS,)
10 Defendant and) COURT OF APPEAL
11 Appellant.) No. DO 38444
12) Case No. SCD149951
13) FINDING RE: PRIORS;
14) MOTION FOR NEW TRIAL; PH&S
15)

16 REPORTER'S TRANSCRIPT ON APPEAL
17 San Diego, California
18 July 27, 2001
19 (Volume No. 16)
20 Pages 905 - 947
21
22 APPEARANCES:
23 FOR THE PLAINTIFF AND BILL LOCKYER
RESPONDENT: Attorney General
State of California
110 West A Street, Suite 600
San Diego, California 92101
24
25 FOR THE DEFENDANT AND IN PROPRIA PERSONA
APPELLANT:
26
27 REPORTED BY: David J. Gonzalez
28
CERTIFIED COPY CSR No. 4155, RMR, CRR
Official Court Reporter
San Diego Superior Court

1 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO
2

CENTRAL DIVISION

3 DEPARTMENT NO. 19

BEFORE HON. GALE E. KANESHIRO, JUDGE

6 THE PEOPLE OF THE STATE OF)
7 CALIFORNIA,)
8 Plaintiff,)

FINDING RE: PRIORS;
MOTION FOR NEW TRIAL; PH&S

9 vs.)
10 TED DARNELL DANIELS,)
11 Defendant.)

SCD149951

AAC781

DAY 9

14 REPORTER'S TRANSCRIPT

15 San Diego, California

16 July 27, 2001

18 APPEARANCES:

19 FOR THE PEOPLE:

PAUL J. PFINGST
District Attorney
BY: KEVIN VIENNA
Deputy District Attorney
330 West Broadway
San Diego, California 92101

23 FOR THE DEFENDANT:

STEVEN J. CARROLL
Dept. of the Public Defender
By: CYNTHIA BOLDEN
Deputy Public Defender
233 A Street
San Diego, California 92101

27 REPORTED BY:

David J. Gonzalez
CSR No. 4155, RMR, CRR
Official Court Reporter
San Diego Superior Court

I N D E X
- P R O C E E D I N G S -

3	PAGE
4	FINDING RE: PRIORS ----- 906
5	MOTION FOR NEW TRIAL ----- 917
6	SENTENCING ----- 944

1 San Diego, California, Friday, July 27, 2001, P.M. Session

2
3 P R O C E E D I N G S
4

5 THE BAILIFF: Remain seated and come to order. This court
6 is again in session.

7 THE COURT: Good afternoon, Mr. Daniels.

8 THE BAILIFF: Page 1, item 100, Ted Daniels.

9 MR. VIENNA: Good afternoon, your Honor. Kevin Vienna,
10 Deputy District Attorney, appearing for the People.

11 MS. BOLDEN: Good afternoon, your Honor. Cynthia Bolden,
12 Deputy Public Defender, on behalf of Mr. Daniels, present, in
13 custody.

14 We've received a timely copy of the probation report,
15 read and reviewed the same. Waive arraignment for sentencing,
16 and no legal cause why judgment shouldn't be imposed at this
17 time.

18 THE COURT: Well, there is a legal reason at this point.
19 This is case SCD149951, and that's because, Counsel, we have not
20 yet completed the hearing with respect to the priors. The jury
21 has made some determinations that the priors suffered by
22 Mr. Daniels were true. It was proven by proof beyond a
23 reasonable doubt. But the Court had not gone the step further to
24 determine the nature of those priors.

25 MS. BOLDEN: Okay. Yes, your Honor.

26 THE COURT: Mr. Vienna, argument on that issue?

27 MR. VIENNA: Submitted, your Honor.

28 THE COURT: Ms. Bolden?

1 MS. BOLDEN: Submitted, your Honor.

2 THE COURT: The Court having reviewed the evidence in this
3 case and the evidence taken at trial does find the following to
4 be true:

5 The Court finds that the People have proven beyond a
6 reasonable doubt and finds that the conviction for the violation
7 for Penal Code section 496, receiving stolen property, suffered
8 in the San Luis Obispo court on or about January 7th, 1977, was,
9 in fact, a valid prison prior as alleged in the information,
10 pursuant to Penal Code section 667.5(b). Furthermore, the true
11 finding made by the jury as to the violation of Penal Code
12 section 459, burglary, out of Orange County, California on or
13 about July 25th, 1979, was, in fact, a valid prison prior, within
14 the meaning of Penal Code section 667.5(b).

15 The jury made two true findings, both as to the Penal
16 Code violations of 211, that is robbery, first instance and
17 second instance, out of the Los Angeles Superior Court,
18 Los Angeles County, State of California, which conviction
19 occurred on or about May 25th, 1984. The Court finds that by
20 proof beyond a reasonable doubt, based upon the evidence before
21 it, that these two convictions are, in fact, valid prison priors
22 within the meaning of Penal Code section 667.5(b), but these two
23 were not suffered separately. They are violations and
24 convictions which occurred out of one case.

25 The Court further finds that as to these two
26 violations, they are, in fact, serious felonies as alleged in the
27 information, within the meaning of Penal Code section 667(a)(1),
28 and 1192.7(c). Furthermore, these two robbery convictions are

1 also strikes -- separate strikes, within the meaning of Penal
2 Code sections 667(b) through (i) and 1170.12, as alleged in the
3 information.

4 The Court further finds that the true finding by the
5 jurors, based upon proof beyond a reasonable doubt, of the
6 violation of Health & Safety Code section 11352 out of Riverside
7 County, California, on or about April 24th, 1990, is, in fact, a
8 valid prison prior, as alleged in the information, within the
9 meaning of Penal Code section 667.5(b).

10 As to the last two convictions, the jury found them
11 both to be true by proof beyond a reasonable doubt. They were
12 convictions for Penal Code section 459 and Vehicle Code section
13 2800.2, arising out of the same case, case number KA020797, in
14 the Los Angeles County, State of California, which convictions
15 were suffered on or about March 21st, 1994. The Court does find
16 that to be a valid prison prior as alleged in the information,
17 Penal Code section 667.5(b).

18 Then at this time, Counsel, I have an inclination as
19 to what I would like to do in this case, but I don't know whether
20 I can do it, or if so, how to do it.

21 I have had a chance to read and consider in this
22 matter the probation officer's report with today's date, which
23 report was filed on July 23rd, 2001. I have had a chance to read
24 the statement in mitigation filed by Ms. Bolden on behalf of
25 Mr. Daniels yesterday, July 26, 2001. I've also had a chance to
26 read the statement in aggravation filed by Mr. Vienna today, July
27 27th, 2001.

28 Counsel, I begin with a premise at this time that

1 there were two separate offenses not arising from a single act
2 and not arising from the same set of operative facts, and the
3 Court starts with a premise that the burglary of Fry's
4 Electronics was completed before the 2800.2 violations and the
5 ADW violations began.

6 I've had a chance in this respect to read the case
7 of -- I believe it was People versus Lawrence, a 2000 case, found
8 at 24 Cal.4th 219. I'm also starting with a premise at this time
9 that these are valid strike priors, and I found them to be so as
10 proven beyond a reasonable doubt.

11 And at this point I am willing to listen to further
12 arguments in this matter, and I'm also willing to entertain any
13 further evidence or statements from Mr. Daniels.

14 Ms. Bolden?

15 MS. BOLDEN: Thank you, your Honor.

16 Under the case of People versus Williams, the Court
17 has the capacity to determine whether to dismiss strikes based
18 upon the nature and the seriousness of the prior offenses, the
19 current offenses, his nature and character, and just the overall,
20 if I were to say, totality of the circumstances, so to speak, to
21 balance his past with his present.

22 I think that, as I stated in my statement in
23 mitigation, the Court has the capacity to strike a strike prior,
24 and should indeed strike a strike prior in view of the fact that
25 there's a marked difference in this case, and that is that
26 Mr. Daniels has remained crime-free for a period of years, has
27 established himself, established a business, established a new
28 family, and was well on the road to becoming a law-abiding

1 citizen. Now, I know that the People will argue, "Well, let's
2 just say he didn't get caught." Well, the fact of the matter is
3 that between the time he was discharged on his parole date and
4 today's date -- well, the date of this offense, he had not
5 committed a new offense.

6 Additionally, it appeared from the evidence that was
7 in the case that there were other parties that were involved in
8 this, that those other parties were equally as culpable as
9 Mr. Daniels, that, yes, Mr. Daniels' van was involved, but there
10 may have been other vehicles, that clearly there had to be
11 someone who was on the inside of this offense, because
12 Mr. Daniels did not appear on the videotape for that day, the day
13 prior, or any dates that the Fry's guy -- I think his name was
14 Morin -- checked. Morin or Morgan. Something close like that.

15 Additionally, when you look at Mr. Daniels' background
16 in terms of his prior, in his past he started out with the
17 receiving and the commercial burglary. He clearly escalated in
18 1984 when he incurred the two strike priors.

19 Subsequent to that, his criminal activity tailored off
20 until the instant offense. But for the flight, the effort at the
21 escape in this case, we would be looking at another 459, 2800.2.
22 And, of course, the argument would then be made, "Well, Cynthia,
23 that's equally reprehensible because that's the last crime before
24 he committed this crime." But, again, there is a lapse in
25 criminality, because he did begin to turn his life around.

26 Additionally, he's 44. He seems to have matured. He
27 seems to have, despite the way that he colored his background.
28 It is clear to me that Mr. Daniels did come from a troublesome

1 background. He says that his mother was a good woman who raised
2 he and his four siblings alone. But the fact of the matter is
3 that Mr. Daniels had a substance problem, his sister had a
4 substance problem, I think there was an elder brother who had a
5 substance problem. There's criminality on both sides. And
6 prostitution. Mr. Daniels said he only dabbled with marijuana,
7 and I think he said he tried cocaine base once.

8 But when you look at this criminal history, it belies
9 that, unless one is to find that Mr. Daniels is truly suffering
10 from an antisocial personality disorder or, as we -- I think it
11 used to be called sociopathy or psychopathy, so he cannot be
12 redeemed. But I don't believe his history shows that.

13 We have a man who's had several careers. He's learned
14 welding, I think was one of them. He started his upholstery
15 business. He's been involved in cooking. I think at one point
16 he learned how to be -- what was it? I've lost it. Something in
17 the construction industry. He's been -- oh. Pipefitter, truck
18 driver, a delivery driver, a carpenter, a forklift operator. And
19 these are not easy, easy professions. These require muscle.
20 These require some self-application.

21 Additionally, he has a home. He has two children from
22 his new marriage. He has a wife. I could see it if his business
23 was a farce. But he did produce a receipt, and that wasn't a
24 receipt that was brought from the outside. It was a receipt that
25 he had on him that was in his property, showing that he was
26 indeed involved in the upholstering business.

27 There's the further fact that he did not inflict any
28 serious injury. Although I'm sure he scared the heck out of the

1 officers, he didn't inflict any injury. The injury to the squad
2 cars is minimal. And when you look at the weight and the size of
3 that van, your Honor, he could have killed all of them.

4 And I recognize the law, but I take issue with these
5 being viewed as separate offenses. As I stated in my statement
6 in mitigation, part and parcel of the theft is being able to get
7 away with what you've stolen, and the escape or the flight or
8 just leaving after the theft is within the purview of that. The
9 prospect of being apprehended is within the purview of that.

10 I don't know that one would necessarily, as I
11 indicated, contemplate that 245s would occur under those
12 circumstances. But it's certainly within the realm of
13 probability when you're driving on the streets. I think the
14 factor that probably hurts him the most in terms of the Court
15 striking a strike and running the time concurrent is the fact
16 that there were a couple of officers that said it seemed to them
17 that he was looking them dead in the eye at the point that he was
18 making the U-turn and headed in their direction.

19 But I also ask the Court to recall the testimony of
20 one of the sergeants, who indicated that he would have done
21 whatever it was to -- that he could have to stop Mr. Daniels.
22 And his vehicle was there. He had opportunity to move and he
23 chose not to move. And I know that the Court is saying, "Well,
24 he's to protect the public. Why should he let a criminal
25 intimidate him?" But I'm saying in the scheme of things, there
26 was nothing that would have precluded him from doing so.

27 Now, there were the other officers in the back that
28 had held back whatever traffic might have begun to come up the

1 freeway at that point in time. Yes, the driving over the city
2 streets was dangerous. But despite the fact that he was going
3 fast, despite the fact that that van was heavy, he did not hit
4 any pedestrians -- he did not -- and he carefully maneuvered so
5 that he would not.

6 Finally, I would state that Mr. Daniels, to my
7 surprise, apparently gathered his own character letters, and one
8 of those is from his parole officer. And his parole agent
9 indicates that he performed well over his expectations since his
10 release into the community. He's committed no violations of his
11 parole this last time, which is different from before. And that
12 prison packet of materials that we had, he was revoked,
13 recommitted. But this time, nothing of that nature.

14 It says that he was to submit to drug testing. He
15 didn't produce any positive samples. So, again, that shows that
16 Mr. Daniels was very much entrenched before, but now he's clean,
17 and this -- the commission of this offense was probably more
18 impulse than anything else.

19 Which brings me to my final, final argument, which the
20 Court may consider conjecture. But I did -- our office did, at
21 considerable expense, retain the services of Dr. Samuel Benson,
22 who is a well-known psychiatrist who works mostly in the realm of
23 death penalty and he specializes in treating inmates in the
24 incarcerated population. He also has a contract here at the
25 Donovan facility. So he treats inmates in prison from San Diego
26 straight through to the San Francisco area, including those that
27 are on death row.

28 I suspected mid-trial that based on his behavior, his

1 lack of cooperation, but his high degree of intelligence and the
2 impulsivity that was evidenced in the testimony of the witnesses
3 at this trial, that Mr. Daniels was bipolar. And when Dr. Benson
4 looked at the materials that we had, he reached the same
5 conclusion. But, of course, he cannot ethically and professional
6 reach that conclusion conclusively because Mr. Daniels didn't
7 submit to the testing.

8 And that would explain a lot of the criminal activity
9 that we see from 1977, when he was in his early twenties, to his
10 current status, your Honor. Based upon experience, these
11 individuals have had attention deficit or some other conduct
12 disorder when they were younger, and they don't go into
13 full-blown diagnosis of bipolar until they reach their late
14 thirties or early forties. Until then they are seen as paranoid
15 personality disorder, depressive disorder. And I know that I'm,
16 like, way beyond the kin in terms of the legal profession as
17 opposed to the medical.

18 But I'm just stating that there are some redeeming
19 qualities in this man for him to have turned his life around in
20 his forties, and to have a family, I think, is significant. Most
21 of the time when we see our clients that come back after a period
22 of years, they have not made a commitment to turn their lives
23 around. They have not established a business or a family or
24 anything that would be considered a normal life. And Mr. Daniels
25 did indeed do that, for what it was worth. And, again, I submit
26 that despite his efforts to paint a rosy -- struggling, but rosy
27 family life, there is more to it than met the eye, and because he
28 wouldn't open up, we couldn't get to the bottom of it. But I

1 believe there's more than adequate basis to strike that strike.

2 And at the risk of incurring Mr. Adam's ire -- not
3 Mr. Adams -- Mr. Vienna's ire. One and the same today. But
4 okay. If you recall, when we initially began to discuss this
5 case when I was first assigned to it, we were talking about
6 whether this case could be settled, and without going into great
7 detail, one of the arguments that was made, both by myself and by
8 Mr. Vienna, was that there was room for the Court to do just
9 that, to strike the strike; that it was within the realm of
10 probability based upon some of the factors that I have suggested
11 to the Court today and in my statement in mitigation.

12 And I don't know that there's anything that would have
13 changed that, because we already knew what the facts were in
14 terms of the crimes and what the trial was going to produce at
15 the time that we had those discussions prior to the commencement
16 of the trial, although we didn't go anywhere with them. And I'd
17 like the Court to take that into consideration in determining
18 whether to strike the strike and to run the time concurrent,
19 because he's never done this amount of time before. Nothing near
20 what he's exposed to now. And despite the fact that he's been
21 aggravating, frustrating, stubborn, I don't think that those
22 factors should preclude the Court from doing the just and the
23 fair thing within the realm of what has been done in these kinds
24 of cases in this jurisdiction.

25 Thank you.

26 THE COURT: I saw Officer Adams here previously. But,
27 Officer Adams, having been the victim of at least Count 2 in this
28 matter, do you wish to address the Court prior to sentencing?

1 OFFICER ADAMS: Not at this time, your Honor.

2 THE COURT: All right. Mr. Daniels, sir, before I sentence
3 you on this case, do you wish to say anything at all?

4 THE DEFENDANT: Yes, your Honor. May I be heard?

5 THE COURT: Certainly, sir.

6 THE DEFENDANT: Bear with me, your Honor. This is very
7 tense. My heart is beating very fast here.

8 But I hope -- I just like to say I hope the Court has
9 tooken into consideration of determining the two '83 strikes, did
10 they look into the situation to actually determine are they
11 really strikes at this -- because as I been reading, it's new
12 guidelines to determine if is all the elements there to make it a
13 strike. Was the defendant or the person actually the perpetrator
14 in that crime -- the actual perpetrator? Is statements from the
15 two co-defenders [sic] of that incident acknowledging that I was
16 just the driver in that incident at that time.

17 And People versus Cortez --

18 THE COURT: Citation, sir?

19 THE DEFENDANT: -- sets the standard.

20 THE COURT: Citation for People versus Cortez?

21 THE DEFENDANT: 73 Cal.4th, page 76 -- 276.

22 THE COURT: Cal.4th doesn't go up that -- maybe it does.

23 MS. BOLDEN: Is it Cal.App.?

24 THE COURT: Cal.4th does not go up to -- 73. It might be 73
25 Cal.App.4th.

26 THE DEFENDANT: 73 Cal.App.4th. That's what it is. 276.

27 And with that, your Honor --

28 THE COURT: Excuse me. What does People versus Cortez

1 represent?

2 THE DEFENDANT: It covers the elements -- is all the
3 elements there to pertain that it's a strike -- it's an actual
4 strike. And what information that the Court used to come to that
5 determine -- determine -- determine that. Did they use
6 preliminary transcripts in the matter or -- because there was a
7 trial set -- it was a trial in that case.

8 And People versus Reed, 1996, 13 Cal.4th, that it
9 was -- it was not a conviction of plea. It was by jury.

10 And with that, your Honor, on the -- on the -- on the
11 current case -- San Diego case, the burglary, in determining that
12 the same set of operational facts, I -- this case -- this
13 incident will call for the -- will warrant the escape -- the
14 escape rule in this matter, your Honor. Officer Adams -- Officer
15 Adams testified that from the -- from the incidence of the
16 burglary on the lot of the -- from the Fry's that he got in
17 pursuit of the vehicle, and he was behind the vehicle at all
18 times until the following pursuit. So, your Honor, it never was
19 a time for calm relief -- to reflect calm relief in the
20 incidence. So it was -- it was a chase from -- from A to B, all
21 the way through. And it never -- it never was a time for
22 temporary -- the defendant never reached a temporary point of
23 safety to rerecollect from that.

24 And I'd just like to add with that -- your Honor, I'd
25 like to read something quoted from the late Judge Mosk. Judge
26 Mosk. The escape rule is also related that providing that a
27 robbery or a similar theft-related offense continue for the
28 purposes of accomplished liability and the felony murder rule,

1 while the robbery or theft [sic] is fleeing and until he or she
2 reaches a place of temporary safety -- and that would go under
3 see People versus Cooper, 1991, 53 Cal.3d edition, page 1158,
4 1166 and 1170 -- for accomplished liability, but not felony
5 murder, carrying away the loot is also required and should be
6 reviewed in the context of the escape rule.

7 And with that, your Honor, at this time, I would like
8 to summons the Court for order for new trial based on ineffective
9 assistance of counsel, and -- and, I'd like to add, prejudice
10 from the Court, department 19.

11 With that, your Honor, I would rest.

12 THE COURT: Would you like to articulate anything further
13 about the grounds for this new trial? Facts? These are
14 conclusions that you've offered to the Court.

15 THE DEFENDANT: Well, yes. Well, I guess I have to go with
16 something my attorney quoted. She -- she told me here that
17 it's -- when I first met her on a one-to-one basis, that
18 San Diego -- she tried to inform me that San Diego is a very
19 prejudiced town. I might as well be back south -- in the deep
20 south, going to court here. I disagree with that, your Honor. I
21 think I could have had a fair trial here in San Diego with
22 another judge and another -- better representation. I don't -- I
23 don't think that --

24 THE COURT: Okay. Mr. Daniels, I do know that you raised
25 that issue earlier, and my recollection is that in the Marsden
26 hearing Ms. Bolden had indicated to you that she informed you
27 that when you have one defendant with an extensive criminal
28 felony record, whose statement might possibly be opposite to the

1 statements of law enforcement officers -- and I think she may
2 have mentioned the number 17; 17 pops into mind -- that when the
3 jury of 12 must consider the evidence, there's a higher and very
4 good probability that they will believe the testimony of those 17
5 law enforcement officers over your statement, that of a
6 multiconvicted felony defendant. And I believe that was what was
7 raised by Ms. Bolden in the Marsden motion. I did, in fact, deny
8 the Marsden motion on that ground and on other grounds.

9 Anything further? Are there any other facts you'd
10 like to present?

11 THE DEFENDANT: Yes. I had, well, just some more issues
12 about -- I guess between me and my attorney, because that's going
13 to be one of my issues on appeal.

14 THE COURT: I have no doubt.

15 THE DEFENDANT: Yes.

16 One, she -- when we first met, I tried to give her all
17 the material. She refused to take the discovery from me that I
18 had. She insisted on getting all that she needed from the
19 District Attorney, which was a lot of information left out it --
20 at the trial at that time. The expert witness' diagrams and all
21 this information -- his diagrams of the breakdown of the police
22 reports and their testimonies. She didn't have none of that. I
23 had it all. And then the Court had ordered a recess for me to
24 provide it for her to get it, but I never -- the Court -- the
25 Sheriff Department couldn't get me back to the jail -- it was
26 right across the street -- and back with it. They didn't -- they
27 didn't do that.

28 She was very overbearing through the whole case, your

1 Honor. We -- we couldn't see eye to eye on nothing, and it's --
2 I don't think it was my -- it was my fault. I'm -- I'm saying it
3 was all hers on the cooperation part. I tried to cooperate with
4 her. I never talked -- disrespect her or said anything out of
5 line to her, but I can't say that for her towards me.

6 She embarrassed me in the courtroom in front of my
7 expert witnesses, in front of the whole court, in front of the
8 DA. At the time I asked her to bifurcate my priors, we was
9 discussing that, me and her, here, and Mr. Vienna is sitting
10 there at the table. She said it in a loud voice, "Daniels, you
11 either admit your priors or the jury is going to get them," and
12 everybody heard it. And on the Marsden hearing, I -- I rose -- I
13 brought that issue up to you, your Honor -- to the Court, and you
14 took it as if I was accusing her of -- of teaming up with the
15 District Attorney. But I didn't mean it like that. I was just
16 saying she just was talking loud in front of him.

17 I had -- I had tried to -- after I seen -- felt that
18 after I had -- I did the -- the Writ of Mandate, and after the
19 appellate court denied that, and at that time I seen that, well,
20 I may -- looks like I'm going to have to work with this lady. I
21 wrote her a letter asking to take -- to -- to take over where I
22 had left off at. The investigator I had was in process of --
23 Pete Baranco was in process of taking other pictures of the van,
24 and I informed her there was going to be a big issue in the case
25 about the window.

26 I wrote her the letter -- I have a copy of it here,
27 and her return copy -- about the window was going to be a big
28 issue. She told -- she wrote me back in the letter, saying I

1 shouldn't -- I shouldn't try to make decisions in that area, but
2 at this time she would. She's -- she gave the information to her
3 investigator to take the pictures and to interview my last
4 witness, which was Mr. Larry cheek. In the letter, she says she
5 was going to do that, and then she didn't. She never did.

6 And then after -- at the course of the trial, at the
7 end of the trial, after -- after the case was over, she told me,
8 "Mr. Daniels, I probably should have had -- brought the window
9 from your truck to court," that she should have did.

10 And I just looked at her and told her, "If we'd have
11 just took the pictures, maybe that would have been good enough."

12 THE COURT: Which window are you talking about, Mr. Daniels?

13 THE DEFENDANT: It was the driver's side window of the
14 truck, your Honor.

15 THE COURT: Okay.

16 THE DEFENDANT: It was a big issue in the case.

17 THE COURT: And why was that a big issue in the case, sir?

18 THE DEFENDANT: Because it was a lot of officers was saying
19 that they visualized me driving the truck, and they saying the
20 window was down at the time. It wasn't.

21 THE COURT: Okay. Anything else, sir?

22 THE DEFENDANT: Yes.

23 I had two exhibits. I had Exhibit A and Exhibit B
24 from the preliminary hearing of this -- of this trial, your
25 Honor. And I had presented them to Ms. Bolden in the time of
26 some of the officers was testifying. And the officers was the
27 ones who had drew the exhibits. She chose not to use them,
28 but -- you -- she chose not to use them, your Honor, and I figure

1 they was very important in the case, too.

2 THE COURT: Okay. Is that it, sir?

3 THE DEFENDANT: It's so many, your Honor. It's a lot more,
4 but at this time, I'm -- I'm going to end.

5 THE COURT: Anything further at all, Ms. Bolden, at this
6 time? I know we've discussed a number of these matters in a
7 Marsden hearing.

8 MS. BOLDEN: Your Honor, I won't go into those.

9 I would simply indicate to the Court that in addition
10 to the parole officer, the probation officer, Margaret Gilchrist,
11 who I believe is a very seasoned officer, suggested to the Court
12 that 30 years to life would be an appropriate sentence in this
13 case, so that I don't believe my request is way out there.

14 Thank you, your Honor.

15 THE COURT: Mr. Vienna, would you like to, first of all,
16 address the issue of a new trial, arguments raised by counsel, to
17 the extent that you are able to respond?

18 MR. VIENNA: Well, your Honor, I think it's raised
19 improperly for two reasons: Number one, he's still represented
20 by counsel; and number two, it's not a noticed filed motion.
21 That makes it somewhat difficult to respond.

22 But I would say, in general, that nothing Mr. Daniels
23 said suggested a basis for a new trial. On the factual issues --
24 well, the evidence in the case against Mr. Daniels was 15
25 overwhelming. It was a marvelous performance by his defense
26 counsel to be able to present his arguments with a straight
27 face. He lied from the beginning. He lied to the end. He lies
28 now. He must think everyone else is incredibly stupid. It's

1 time now to show him that that's not true; that other people
2 think and pay attention. So, quite frankly, his -- what -- the
3 points he makes are frivolous.

4 But just by way of example, the window. Several
5 police officers said the driver's side window was down.
6 Photographs were presented of the windows in his van. You could
7 see clearly through the rear windows to the front seats and out
8 the front window. Officer Adams saw the defendant first through
9 the windshield, and then through the driver's side window and
10 made a positive identification of this defendant.

11 No picture, no presence of any window would have or
12 could have made any difference in the outcome of this trial.
13 That's all I care to say now about that, your Honor.

14 THE COURT: Certainly. Thank you.

15 With respect to sentencing?

16 MR. VIENNA: Your Honor, with respect to sentencing. Well,
17 let me begin by saying that Ms. Bolden has not raised my ire,
18 either with her performance in this trial or with her argument.
19 In fact, I admire the work that she did. She obviously worked
20 very hard and did her best to make a silk purse out of a
21 difficult case. With regard to just a few points in her
22 argument, I'd like to respond.

23 The Court does have the power to strike strikes. This
24 is an inappropriate case, and I've outlined that briefly in my
25 points and authorities. But this is a case for which the "three
26 strikes" law was made. Mr. Daniels is and has been a career
27 criminal whose behavior has been often dangerous to law
28 enforcement officers and others. He continues to present a

1 significant danger to the public and he should be removed from
2 civil society.

3 Ms. Bolden says that the defendant has a business.
4 Actually, there is darn little evidence about the fact of his
5 business. He has some cards and he had a placard for the side of
6 his van. But there is no evidence that his business was
7 functioning or ever made any money.

8 And I would refer the Court to the Court's own
9 record. Several months ago there was a bail review hearing.
10 Several months ago there was a bail review hearing after the
11 information was amended alleging a second strike, and bail was
12 increased to \$100,000. That bail review hearing began before
13 Judge Harutunian, because the People had sought a Penal Code
14 section 1275 order along with the increase of bail. There was
15 some preliminary discussion of the defendant's business.

16 Before that hearing had gone very far, I asked for
17 some scintilla of indication that proceeds from any legitimate
18 business could be used as a source of bail funds. Almost
19 instantaneously, the matter went off calendar. It was withdrawn
20 by the defense and taken off calendar. There is, quite simply,
21 no evidence that the defendant ever operated a legitimate,
22 profitable business.

23 There is, on the other hand, evidence in the record
24 and from this trial that the defendant is a sophisticated,
25 remorseless, predatory criminal. Ms. Bolden has referred to an
26 examination by Dr. Benson. I can't respond to that because I
27 haven't seen it. But what I would say, your Honor, is -- and
28 actually, at this time I would return to the Court the certified

1 prison records that were subpoenaed by Ms. Bolden. And, actually,
2 I'd ask that these be marked as an exhibit and admitted, because
3 there are extraordinarily important matters there. I called --
4 as soon as I received them, I called the probation officer and
5 asked for the Probation Department to review them. But there are
6 matters of astonishing relevance to this case that are in those
7 records, and I'll refer to them.

8 THE COURT: Excuse me one moment.

9 Ms. Bolden, any objection to the Court receiving the
10 documents received from the Department of Corrections pursuant to
11 the subpoena duces tecum?

12 MS. BOLDEN: None, your Honor.

13 THE COURT: Okay. The record does reflect and will reflect
14 that the other day -- I can't recall which day -- both counsel
15 appeared in court and, by stipulation, these documents were
16 released to counsel.

17 THE CLERK: That date was July 20th, 2001.

18 MS. BOLDEN: 19th or 20th.

19 THE COURT: Okay. It was July 20th. The Court will receive
20 these documents.

21 And for identification, we should mark these, then, as
22 a Court exhibit.

23 Ms. McCurley, do you know what number that might be?

24 THE CLERK: I can find out.

25 THE COURT: You may proceed.

26 MR. VIENNA: Thank you, your Honor.

27 Your Honor, with regard to the defendant's statements,
28 he indicates that he was just the driver in the 1983 case that

1 resulted in two robbery convictions. That appears to be
2 precisely what he argued in 1983. And the probation report from
3 that conviction is one of the first documents that is presented
4 in the Court's exhibit that was just admitted. Your Honor, he
5 was not just the driver. In fact, he was the defendant who
6 knocked to the ground a 67-year-old woman as he took her purse
7 and ran. He was present in the getaway car when it was stopped,
8 when it was searched, and in which was found a sawed-off
9 shotgun. The statements from his co-defendants are worthless and
10 entitled to no weight.

11 The defendant's statements that this Court is
12 prejudiced and that he could not receive a fair trial in this
13 court are ludicrous. The defendant has been the beneficiary of
14 incredible patience over the last year and a half, and the wheels
15 of justice have turned slowly, but they have turned, and they
16 should be on their last revolution this afternoon.

17 With regard to the crime, your Honor, there was a very
18 high level of sophistication. The defendant took racks so he
19 could rapidly load laptop computers and make a quick getaway from
20 Fry's. In his van were found pry tools and gloves. It's clear
21 that the defendant and his associates had with them bolt cutters
22 when they went to Fry's. It is inferential that they did have
23 special inside knowledge, because they were there the only
24 morning of the year when there's no one present and when the
25 surveillance system did not operate.

26 It is a matter of good police work and luck that he
27 was caught. And when he was caught, when he was seen leaving by
28 Officer Adams, his behavior was frighteningly dangerous. He

1 engaged in high-speed travel from the very beginning. He crashed
2 through barriers. He ran red lights. He ran stop signs. He
3 nearly collided with a civilian driver in a small truck on
4 El Cajon Boulevard.

5 He continued to drive at very high speeds. He swerved
6 violently and dangerously at Officer Fields in a crime that is
7 whisker close to attempted murder. He continued to drive at high
8 speeds. He turned and went the wrong direction on a very busy
9 interstate, Interstate 8, and for a period of nearly an hour he
10 put in danger the lives of not only several police officers, but
11 several completely innocent drivers and their passengers on
12 Christmas Day in 1999.

13 At the trial -- or as we proceeded towards trial, the
14 defendant engaged in actions that reflect clearly on his
15 character, and that's an important factor in deciding whether to
16 strike any strike. And he showed us much about his character.
17 He just plain lied to the Court when he asked to have counsel
18 reinstated, saying that he was -- that he'd suffered from
19 schizophrenia. There just is no indication that he has suffered
20 from schizophrenia. And, in fact, there is a significant medical
21 history in the court -- in the recently received Court's exhibit
22 that show some relation to bipolarness -- bipolar disorder, some
23 relation to PCP ingestion and paranoia, but not psychosis.

24 He lied throughout the trial, shamelessly lied
25 throughout the trial, and he was contemptuous of the Court's
26 order to answer questions, and contemptuous, quite frankly, of
27 his counsel's imploring to answer questions.

28 From the probation officer's report, "The defendant

1 continues to deny any responsibility in any of the crimes for
2 which he stands convicted." In his statement to the probation
3 officer, somehow he thinks that because two of his buddies got
4 away with it he shouldn't be punished. That's silly.

5 We know he has not just a number of criminal
6 convictions, but one conviction for escape. In his 1994
7 conviction, his behavior was similar and similarly dangerous to
8 the behavior for which he's before this Court. There was a
9 burglary. There was flight. There was theft of a laptop
10 computer. He had in his possession bolt cutters. There was a
11 long and dangerous flight from police officers.

12 He denies now any psychological problems. The
13 probation officer says there's not even a 654 issue with regard
14 to these crimes, and the issue with regard to consecutive
15 punishment, when there are prior strikes involved, is much
16 narrower than a 654 analysis. The defendant has eight felony
17 priors and has been to prison six times. He wasn't quite still
18 on parole when this crime was committed. He was released from
19 prison in November 1995. Now, it appears that maybe he served an
20 abbreviated period of parole, but under normal circumstances he
21 would have been on parole until November 1999. This crime
22 occurred in December 1999. So there is no real indication of an
23 interruption in his criminal career.

24 The letters in support of his character are either or
25 all of the following: uninformed, naive, or misleading. And
26 they provide no assistance to the Court.

27 In the recently received Court's exhibit regarding his
28 most recent prison commitment, the probation report indicates

1 that he drove at speeds in excess of 85 miles an hour on city
2 streets and on highways, that he nearly collided with a police
3 cruiser, that he showed no remorse.

4 They opined that he is deeply entwined in the criminal
5 element. In a 1993 parole report, it indicates that the
6 defendant has absconded from parole. There it indicates that he
7 nearly hit Officer Lee on one occasion, driving during that --
8 during the chase for his last conviction, and that he forced
9 several officers to the shoulder of the road.

10 The 1983 probation report, also included in that
11 exhibit, indicates that the defendant was positively identified
12 shortly after the crime by the victims and witnesses. In that
13 report, it indicates that as early as 1975, his criminal activity
14 included the association with possession of deadly weapons. And
15 in that report, with great prescience, the probation officer
16 noted that the defendant is seen as a danger to society and
17 should be removed from society for the longest possible time.

18 In the probation report from 1990, associated with his
19 transportation of narcotics conviction, it notes that not only
20 did he have narcotics, but he had in his possession a .45 caliber
21 pistol, that that offense involved 76.88 grams of rock cocaine,
22 that in the car were burglary tools and nearly \$2,000 in cash.
23 And the defendant stated it was all his.

24 In the plea transcript -- the change of plea
25 transcript from his 1994 last prison commitment, which is present
26 in that Court's exhibit, the judge took great effort to explain
27 to this defendant that the People of the State of California had
28 recently enacted a "three strikes" law and that he had strikes,

1 and that it was likely if he committed any crimes in the future
2 that he would spend the rest of his life in prison.

3 We urge the Court strongly not to strike any strikes.
4 I disagree -- though I recognize that I have less expertise than
5 the Court in this area, I disagree with the Court's initial
6 statement that there are only two separate criminal acts. I
7 think there are five separate criminal acts. But, you know, so
8 long as he spends a very long period of determinate -- of
9 proscribed time, not less than 55 years, and is eligible to
10 be denied probation and spend the rest of his life in prison,
11 then I think justice will be served. I ask the Court to
12 contribute to justice and to make sure that this man is removed
13 from society for a very long period of time.

14 Thank you.

15 THE COURT: I think I did misspeak, and as I looked at the
16 crimes and the facts related to these crimes, I did see that
17 there were four counts that could have run consecutively to each
18 other. Okay.

19 Counsel, I'm going to take a brief recess. What I'd
20 like to do is just review these documents that have just been
21 handed to me.

22 MS. BOLDEN: Yes, your Honor.

23 THE COURT: They've now been marked as Court's exhibit
24 number 4.

25 MS. BOLDEN: Thank you, your Honor.

26 (Court's Exhibit number 4 was marked for
27 identification.)

28 THE BAILIFF: Remain seated and come to order. This court

1 is again in session.

2 THE COURT: We're back on the record now in the case of
3 People versus Ted Daniels, case number SCD149951.

4 The Court has had a chance to read, review, and
5 consider the Court's exhibit number 4, the documents from the
6 Department of Corrections.

7 First of all, in this case, the Court must address
8 Mr. Daniels' motion for a new trial, brought personally by
9 Mr. Daniels, on the basis of ineffective assistance of counsel
10 and prejudice by the Court. In this matter, the Court has had a
11 chance to preside over several Marsden motions. I read the
12 transcript of the Marsden motion held before Judge Kintner as it
13 related to Mr. Gulley. I heard an extension of that Marsden
14 motion at the time I reappointed the Public Defender's office to
15 represent Mr. Daniels the second day of trial in this case --
16 that is, the original trial, and I believe Mr. Daniels raised
17 three more Marsden motions with respect to Ms. Bolden.

18 In this matter, there is no doubt in my mind that
19 Ms. Bolden is a very strong woman. A very strong person. I do
20 note that in one of the Marsden motions, Mr. Daniels accused
21 Ms. Bolden of sharing confidential discussions with Mr. Vienna,
22 and that is when Ms. Bolden informed the Court that she has a
23 very loud voice. And I agreed with that --

24 MS. BOLDEN: I do.

25 THE COURT: -- and the situation is that Ms. Bolden happened
26 to be speaking to Mr. Daniels in court in the presence of
27 Mr. Vienna and in the presence of court staff. But the
28 information that was shared by Mr. Daniels and Ms. Bolden did not

1 reflect any abuse of a confidential privilege.

2 Additionally, in this matter, Mr. Daniels, make no
3 mistake about it: I'm the one who made the decision on the
4 bifurcation. Ms. Bolden had nothing to do with that decision.
5 It was preliminarily made during the course of the first trial
6 back in March, and that was before Ms. Bolden even came onto this
7 case as reappointed counsel. So I made the decision as to
8 bifurcation in this matter. It was to be a conditional
9 bifurcation unless you took the stand. When you took the stand,
10 it was this Court's determination that I would not bifurcate the
11 priors trial from the underlying charges.

12 Additionally, Mr. Daniels, I told you in the Marsden
13 motion that you were not guaranteed a personal relationship with
14 your attorney. You were only guaranteed competent counsel.
15 Based upon what I have seen of Ms. Bolden's performance in this
16 matter, she has performed admirably, extremely competently --

17 MS. BOLDEN: Thank you.

18 THE COURT: -- and very effectively. In fact, Mr. Daniels,
19 this is one of those cases that had I not heard the evidence
20 through testimony of the witnesses who took the stand over a
21 number of days, I might have been persuaded by Ms. Bolden to
22 strike some of the strikes. She made a very compelling
23 argument. She argued with conviction before the jury.

24 Unfortunately for you, sir, she was arguing the facts
25 as you presented them on the stand, which facts I did not
26 believe, which facts the jury did not believe. However, had I
27 not heard those facts personally from the mouths of the
28 witnesses, this might be a different story and I might have,

1 then, perhaps considered striking the strike. All I can say in
2 this matter is that based upon what I have seen, Ms. Bolden has
3 performed admirably as a defense counsel. She has been extremely
4 effective. There has been no showing of incompetence in this
5 matter.

6 Furthermore, based upon what I've seen in the Marsden
7 motions, based upon what I saw here in court, it is this Court's
8 belief that Ms. Bolden is a woman of strong moral character.

9 MS. BOLDEN: Thank you.

10 THE COURT: She takes it very personally that she is under
11 an oath, an ethical obligation, in this matter and that she has
12 abided by those ethical obligations, including the obligation of
13 counsel not to participate in acts of perjury here in the
14 courtroom. And I say that because of the strength of the
15 People's case. This was an extremely strong case from a factual
16 position.

17 Additionally, Mr. Daniels, as Ms. Bolden indicated to
18 you, you were the only witness who took the stand with one set of
19 facts. All of the other witnesses corroborated each other and
20 identified you as the perpetrator.

21 Additionally, I do not know what the expert had to
22 offer in this case, except that he had been retained by you prior
23 to Ms. Bolden coming onto this case.

24 With respect to prejudice by the Court, I may not have
25 liked you as a person, sir, but my legal determinations are not
26 based on whether I like someone or not. I don't know many of the
27 people or most of the people who appear before me because I've
28 never met them before. However, that did not cause me to rule on

1 this matter any differently than I would have on any other case.
2 You tried my patience. I tried to be patient in this case, but
3 that does not mean that I was prejudiced against you in this
4 case. My decisions, I believe, were based upon the law as I
5 interpret them, not, perhaps, as you might have interpreted them
6 from your lay standard and your lay bases.

7 In this case, then, the Court will deny Mr. Daniels'
8 personal motion for a new trial.

9 Additionally, then, at this time the Court perhaps
10 should have noted that as I viewed the facts in this matter, it.
11 did appear to arise out of two separate sets of operative facts.
12 There is no doubt that Mr. Daniels was convicted beyond a
13 reasonable doubt of five separate counts, and that that was
14 proven beyond a reasonable doubt. That is unquestioned.

15 It is this Court's belief that the burglary occurred
16 out of one set of operative facts; that the evading the peace
17 officer with wanton and reckless disregard for the safety of
18 persons and property and the three assaults could be argued to
19 have occurred out of another set of separate operative facts. I
20 could run Counts 1, 3, 4, and 5 consecutively to each other, but
21 I will not do that.

22 Ms. Bolden has requested that I strike the strikes as
23 to all or some of the counts in this matter. I've had a chance
24 to review, read or consider a number of cases in this matter, but
25 more specifically I did read and re-read the cases of People
26 versus Superior Court, that is the Romero decision, 1996, found
27 at 13 Cal.4th 497, and the Williams case. And I don't have that
28 citation.

1 The Court, in ruling on strike offenses, does not have
2 unfettered discretion. I have what the court's call guided
3 discretion subject to appellate review. Perhaps if I had
4 unfettered discretion I might rule otherwise. I don't know. I'm
5 not even going to go into that, because I'm guided by guided
6 discretion, factors set down by the court in various court
7 cases. I have reviewed those factors and I'd like to just
8 discuss those for the record at this time. And these apply to
9 all counts, because it is not the Court's intention to strike the
10 strikes as to any count in this case.

11 The Court has looked into this matter to see whether
12 due process would require the Court to strike a strike for any of
13 these counts. The Court does not find that due process of law
14 factors into this decision, and there is no basis for due process
15 of law striking of a strike.

16 The Court has also looked at equal protection of the
17 law. The Court does not find this to be applicable, and
18 therefore I cannot strike any of the strikes under equal
19 protection of the law.

20 The Court has looked at the punishment in this case
21 under the "three strikes" law, the Court having come to the
22 conclusion that there are at least two sets of separate operative
23 facts, and whether the sentence would be cruel and unusual
24 punishment. The Court cannot say at this time that it would be
25 cruel and unusual punishment, and I will not be striking any of
26 the strikes as a result of that factor.

27 The Court has looked at the factor as to whether a
28 sentence under the "three strikes" law would be unjust. I cannot

1 say, based upon defendant's prior history or the facts of this
2 case, that a sentence imposed under the "three strikes" law would
3 be unjust, and therefore I will not be striking any of the
4 strikes.

5 The Court has looked to the factor of interest of
6 society and the fair prosecution of cases. In this instant case,
7 the Court does note that there were three separate violent
8 acts -- at least serious felonies -- as a result of the assaults
9 with a deadly weapon, that being a car. These are, in fact,
10 serious crimes, but they are violent in nature. Therefore, that
11 is not a factor the Court will be considering in this matter.

12 The Court has also looked at defendant's background
13 and his character. I have made some individualized
14 considerations. I have looked at defendant's age. Mr. Daniels
15 is now 44 years old. However, it does appear that he has had an
16 unabated criminal record, starting at the age of 19. And that is
17 a factor that would cause this Court not to strike the strikes.

18 These individualized considerations are being taken as
19 a whole in considering defendant's background and character, but
20 I did want to let counsel know what factors I had considered.

21 I have considered Mr. Daniels' family status.
22 Mr. Daniels is married at this time and he has two young
23 children. However, Mr. Daniels was married in 1989, according to
24 his probation report, to his current wife, Renee Daniels. The
25 Court notes that even if married and while married, Mr. Daniels
26 nevertheless committed the crimes in 1994 and in 1990, so the
27 fact that Mr. Daniels is married had no impact on his criminal
28 behavior. That would be a factor that would lead the Court to

1 believe that that is not a relevant consideration for striking a
2 strike.

3 The Court does note defendant's employment history.
4 Mr. Daniels does indicate that he's owned his own business since
5 release from prison in 1996, but that has only been about five
6 years, and we really don't know the nature of that business.

7 Mr. Vienna has indicated he had requested some information about
8 that business, whether it was, perhaps, a bona fide business, an
9 ongoing business, something that is profitable. No evidence has
10 been tendered thus far. That is not a consideration the Court
11 can use to strike the strikes in this matter. Someone saying
12 that they work and own a business is not enough for this Court.
13 And even if I had that information, it might not play a
14 significant part in the Court's decision.

15 The Court has looked at defendant's education.
16 Mr. Daniels has completed 12th grade and has attended two
17 vocational schools, but that is neither here nor there. That is
18 not a factor that compels the Court to act in a certain way.

19 The Court has also considered the fact that
20 Mr. Daniels does have three dependents: his wife, and two minor
21 daughters, ages seven and ten years old. However, in this
22 matter, notwithstanding the fact that Mr. Daniels has minor
23 children, he has continued to reoffend, and had at least the
24 ten-year-old at the time he committed the 1994 crimes. So that
25 is not a factor the Court is inclined to consider as a mitigating
26 circumstance.

27 Mental faculties. Defendant denies the psychiatric
28 history. While Ms. Bolden guesses or has guessed that perhaps

1 Mr. Daniels suffers from bipolar disorder, that has not been
2 confirmed. That is only, perhaps, an educated guess.

3 Mr. Daniels informed the Court on March 13th, when he
4 asked for reappointment of counsel, that he suffered from
5 long-standing schizophrenia and he had been diagnosed with
6 schizophrenia. I found no evidence of that in any of the
7 Department of Corrections records.

8 Additionally, the Court does note that he has on
9 occasion taken psychopharmacological medications, such as I
10 believe it was Sinequan, which I believe at the time it was
11 raised on March 13th of this year, the Court took out and
12 reviewed the PDR description of Sinequan which indicates it's
13 generally administered for depression. So this factor is neither
14 here nor there. It is not something the Court is giving any
15 heavy weight to.

16 The Court has considered medical problems, but it is
17 Mr. Daniels who has complained of high blood pressure and lower
18 back problems. So do a lot of other people, and that is not a
19 significant factor.

20 Substance abuse. Mr. Daniels told the probation
21 officer he last used marijuana and that he used it on an
22 on-and-off basis until 1992. I do note that on one of the
23 probation reports in Court's Exhibit number 4, Mr. Daniels did
24 indicate he was ingesting marijuana on a daily basis. But we
25 have no knowledge about his more recent substance abuse. I do
26 note, also, that there was another psychological evaluation
27 somewhere here in the packet, and I don't have it marked, but the
28 diagnosis indicated a substance abuse rather than other types of

1 emotional disorders or personality disorders. No evidence of any
2 matters.

3 The Court also notes that Mr. Daniels indicates to the
4 probation officer that he last used cocaine in 1985. Therefore,
5 by his own admission he does not have a substance abuse problem
6 that perhaps might have exacerbated his thought processes in
7 becoming involved in this crime.

8 The Court has considered gang affiliations, and
9 Mr. Daniels has denied gang affiliations.

10 The Court has also considered the factor as to a
11 law-abiding future. The Court does note, in reviewing the
12 probation officer's report, as well as Court's Exhibit number 4,
13 that Mr. Daniels has been involved in crimes for over 25 years,
14 and this is notwithstanding the strike priors which occurred back
15 in 1984. It has been an unabated criminal record.

16 This Court sees Mr. Daniels as an opportunist in the
17 best light, and someone with an antisocial personality disorder
18 at the very worst, and I don't know what it is because we don't
19 have a psychological evaluation. I have only a layman's
20 understanding of psychiatry and psychology. But much of what
21 I've seen exhibited by Mr. Daniels, including the manipulation,
22 the conning, the lack of truthfulness, the lack of empathy, all
23 indicate to me that perhaps these might be antisocial features of
24 a personality disorder, if not antisocial personality disorder.
25 I don't know and I'm not going to guess. That has not played a
26 part in my mind.

27 The only thing I know, however, is that because of
28 defendant's involvement in criminal activity for the last 25

1 years, based upon this activity, based upon the fact that in 1994
2 the judge at the time of defendant's plea did give him the
3 warning that this was a "three strikes" matter, and did warn him
4 that he was looking at life imprisonment on any new case, leads
5 the Court to believe that Mr. Daniels cannot live a law-abiding
6 life if he's released. So that is one of the factors that I have
7 considered in this matter.

8 I considered the factor of treatment and
9 rehabilitation. None is indicated at this time.

10 Those were among the factors that I considered in
11 exploring the defendant's background and character, and all these
12 factors lead the Court to believe that this is not a case that
13 would lead the Court to strike any of the strikes as to any other
14 counts.

15 The Court has also explored the nature of the current
16 offense. This includes the nature and seriousness of these
17 offenses. The Court does find that the 2800.2 was egregious.
18 The Court does find that there were three separate acts of
19 assault with a deadly weapon on officers, and that the assault on
20 Officer Fields was aggravated. In fact, that was the most
21 aggravated assault on any of the three officers.

22 As to the victims of vulnerability, the Court does
23 note that Fry's Electronics was closed on Christmas Day and there
24 were no security measures. It is very well and very possible
25 that this was an inside job. But that does not excuse
26 Mr. Daniels' participation in this crime and it does not make the
27 victim any less vulnerable.

28 The Court also notes that with respect to 2800.2,

1 respect to 2800.2 and the ADWs, he was the sole actor, and that
2 is a fact the Court has considered in determining the current
3 nature of the offense.

4 Was this an unusual circumstance unlikely to occur in
5 the future? The Court finds that this is an aggravating
6 circumstance. There was nothing unusual about this matter that
7 indicates to the Court it would not happen again. In fact, this
8 appears to be a replay of Mr. Daniels' 1994 crime of burglary and
9 felony evasion. This now has happened twice. I see it happening
10 again if Mr. Daniels is released.

11 Was this a sophisticated and professional crime? The
12 Court does note, as I mentioned earlier, the timing of the
13 burglary, Christmas morning, when there was no security, and the
14 fact that racks were brought to the victim's premises does show
15 criminal sophistication and professionalism.

16 Whether there was a position of trust that was
17 violated, that is not applicable.

18 The Court does note, then, that these are factors the
19 Court has considered in the nature of the current offense. All
20 of these factors the Court has considered gravitate toward
21 aggravation and reasons why the Court should not be striking
22 these offenses.

23 The Court has also considered the nature of the prior
24 offenses. I think that is laid out in the probation officer's
25 report. I will not articulate that for the record. That is set
26 forth on pages 4 and 5 of the probation officer's report. The
27 nature of the prior offenses is a factor that leads the Court to
28 determine that this is not an appropriate case for the Court

1 striking the strikes.

2 The next fact is whether the prior crimes involved
3 acts of violence. There is no doubt that this is a "three
4 strikes" case because of the prior acts of violence. There were
5 two separate counts of robbery against two different victims,
6 although arising out of the same occasion. The Court does note
7 that Mr. Daniels was sentenced to concurrent sentences. PC 654
8 did not apply in that case. And I think as, perhaps, Mr. Vienna
9 either argued or alluded to, Mr. Daniels is, perhaps, a poster
10 boy as to why we need the "three strikes" law.

11 The Court has looked at the age of the prior
12 convictions. And, yes, while the last conviction was in 1994 for
13 similar charges, and Mr. Daniels was released in 1996, the Court
14 does note that this record, however, goes back in excess of
15 25 years. This is a factor that leads the Court to believe it
16 should not strike the strikes.

17 There is another factor, the factor of whether there
18 was a close factual legal relationship between one or more prior
19 convictions. In this matter, with respect to the two prior
20 robberies, even though there was a close factual and legal
21 relationship, the Court finds that defendant's convictions for
22 two separate counts of robbery are distinguished from the Benson
23 case. And that factual basis is set forth in People versus
24 Benson, 1998, found at 18 Cal.4th 24. This was a case that
25 talked about multiple convictions arising from a single act and
26 the imposition of Penal Code section 654 sentences. The Court
27 finds that defendant's two prior robberies did not come within
28 the discussion of the Benson case.

1 The Court also considered whether the defendant's
2 prior convictions reflect a single period of aberrant behavior.
3 Clearly not.

4 And, Counsel, then, these are some of the factors that
5 I have considered in determining whether or not I should strike
6 the strikes for any or all of the counts, and these factors have
7 all led the Court to believe that although I perhaps may have
8 wished to do so, I cannot do so legally, and that is what I meant
9 earlier; that I had an inclination as to what I wanted to do and
10 I didn't know if I could do it. I don't think I can do it
11 legally. I could do it illegally, but I'm not going to do that
12 because I would easily be overturned on appeal. And that's why I
13 went through these: Is there some legal basis for me to strike
14 the strikes? And guided by the cases which have come down on
15 "three strikes," I just can't do it. There is no legal basis for
16 it.

17 Therefore, the defendant's motion to strike both
18 strikes as to one or more counts is denied at this time.

19 The Court in this case has indicated that it does
20 appear to this Court that the offenses occurred out of two
21 separate sets of operative facts; that the burglary occurred out
22 of one set of operative facts, and that Counts 2, 3, 4, and 5
23 occurred out of the second set and separate set of operative
24 facts.

25 Mr. Daniels, burglary is quite different from
26 robbery. In robbery, one of the elements is the asportation of
27 property, and that is why the courts have ruled that until a
28 defendant has reached safe haven and is asportating that

1 property, there is one continuing course of conduct. The robbery
2 in this case was completed with the entry into Fry's Electronics.

3 The robbery was completed as you and the others left
4 the premises in the van. While temporally Counts 2, 3, 4, and 5
5 occurred within a short period of time of Count 1, the Court, in
6 analyzing the situation, determines that they all arose out of a
7 second set of operative facts.

8 And, Mr. Daniels is now 45 years old. It does appear
9 to this Court that the minimum sentence the Court can impose
10 under these circumstances is going to be 55 years, and I decided
11 it was no use running the other terms consecutively.

12 So what I will do at this time as to Count 1, I will
13 impose a life term, a minimum of 25 years. As to Count 2, I will
14 impose a term of life, minimum of 25 years, but I will stay that
15 pursuant to Penal Code section 654, because I am imposing a life
16 term on Count 5, a minimum of 25 years, to run consecutively to
17 Count 1, and it must run full-strength consecutive.

18 I will impose life terms on Counts 3 and 4, minimum of
19 25 years as to Counts 3 and 4, but I will run those terms
20 concurrently with Count 5.

21 I am required by law to add an additional five years
22 for the serious felony prior, within the meaning of Penal Code
23 section 667(a).

24 I will, using the Court's discretion, strike the
25 prison priors 1, 2, 4, and 5, realizing that I am imposing a life
26 commitment on this case. Adding those determinate sentences
27 would have no useful effect. It would not in any way reduce his
28 sentence. It might only aggravate him. But he's going to be

1 serving 55 actual years, with no conduct credits.

2 Additionally, then, the Court is not imposing a prison
3 term for the third alleged prison prior for the convictions of
4 Penal Code section 211, because I am imposing the serious felony
5 prior. So 654 would apply in that case.

6 At this time, then, Mr. Daniels, you will now be
7 committed to Department of Corrections State Prison for Men for
8 the term of life, a minimum of 55 years, custody credits of --

9 PROBATION OFFICER GARCIA: Your Honor, there is a correction
10 in the custody credits.

11 THE COURT: Yes. Madam Probation Officer, could you please
12 identify yourself for the record.

13 PROBATION OFFICER GARCIA: Allison Garcia for Probation.

14 On the report, it's listed that they're 2933.1
15 credits, and according to the records it should be 4019 credits.
16 So it should be a total of 501 actual credits, 250 PC 4019
17 credits, for a total of 751.

18 THE COURT: My information is that Mr. Daniels at this time
19 is not entitled to any conduct credits on this commitment.

20 Ms. Bolden or Mr. Vienna, can you elucidate on that
21 matter? Do you know?

22 MR. VIENNA: I agree with the Court.

23 MS. BOLDEN: I would have to submit.

24 THE COURT: If I'm wrong, Department of Corrections will
25 notify me and I can give Mr. Daniels those credits back, and I
26 will do so on an ex parte basis. But I do not believe he is
27 entitled to any conduct credits at this time.

28 Therefore, then, total custody credits of 501 actual

1 days.

2 I am required, Mr. Daniels, in this case to impose two
3 separate restitution fines. They are pursuant to Penal Code
4 sections 1202.4 and 1202.45. Each fine in this case shall be in
5 the amount of \$10,000. The first is due and payable forthwith or
6 as provided under Penal Code section 2085.5, through prison wages
7 and income. The second fine will be suspended and will remain so
8 unless your parole in this case is ever revoked.

9 Mr. Daniels, it is my duty to advise you of your
10 appeal rights. You have the absolute right to appeal from the
11 judgment of this Court in imposing sentence on you today. That
12 means if you wish to appeal, you must file written notice of your
13 intention to appeal within 60 days from today. An appeal not
14 filed within 60 days shall be void and of no effect. The notice
15 must be in writing, signed by you or your attorney or both of
16 you. It must specify what you are appealing from, whether it is
17 the whole judgment or just part of the judgment.

18 If you appeal and you do not have the financial
19 ability to retain the services of an attorney to represent you on
20 appeal, the appellate authorities will appoint counsel to
21 represent you. In that regard, it is your obligation to keep the
22 appellate authorities advised at all times of your current
23 residing address so that they can be in touch with you to advise
24 you of your appointed counsel.

25 Anything further for the record?

26 MR. VIENNA: Nothing from the People.

27 MS. BOLDEN: No, your Honor. Thank you.

28 THE COURT: Thank you very much.

1 THE DEFENDANT: Your Honor, I'd like to file my appeal now
2 with the court.

3 THE COURT: You may.

4 THE DEFENDANT: I have an original copy here and a copy for
5 myself, your Honor. Get that stamped.

6 (The proceedings concluded.)

7 * * *

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 STATE OF CALIFORNIA)

2 :
3 COUNTY OF SAN DIEGO)

4
5 THE PEOPLE OF THE STATE OF CALIFORNIA

6 VS.

7 TED DARNELL DANIELS

8 Case No. SCD149951

9
10 I, David J. Gonzalez, an official reporter for the
11 Superior Court of the State of California, in and for the County
12 of San Diego, do hereby certify:

13
14 That as such reporter, I reported stenographically the
15 proceedings had in the above-entitled cause, and that the
16 foregoing transcript, consisting of pages numbered from 905 to
17 947, inclusive, is a full, true, and correct transcription of my
18 shorthand notes taken during the proceedings had on July 27,
19 2001.

20
21 Dated at San Diego, California, this 30th day of July,
22 2001.

23
24
25 
26 David J. Gonzalez

27 Official Court Reporter

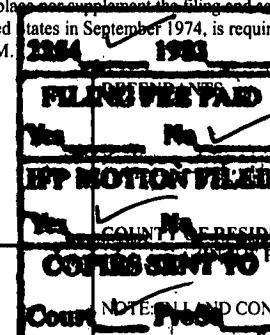
CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Ted Darnell Daniels

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)



Almager, et al

FILED

MAY 29 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

NOTE: ALL CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Ted Darnell Daniels
PO Box 911
Imperial, CA 92251
T-23705

ATTORNEYS (IF KNOWN)

'08 CV 0961 IEG NLS

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- | | |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question
(U.S. Government Not a Party) |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III) |

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT
(For Diversity Cases Only))

- | | | | | | |
|---|-----------------------------|------------------------------|---|------------------------------|----------------------------|
| Citizen of This State | PT <input type="checkbox"/> | DEF <input type="checkbox"/> | IT <input type="checkbox"/> | DEF <input type="checkbox"/> | |
| Citizen of Another State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2254

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reappointment
<input type="checkbox"/> Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury-Medical Malpractice	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce/ICC Rates/etc.
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 RR & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 660 Occupational Safety/Health	SOCIAL SECURITY	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 861 HIA (13958)	<input type="checkbox"/> 850 Securities/Commodities Exchange
<input type="checkbox"/> 160 Stockholders Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		LABOR	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 875 Customer Challenge 12 USC
<input type="checkbox"/> Other Contract	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 863 DIWC/DIWV (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Empl. Ret. Inc.		<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Tort to Land	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> Security Act		<input type="checkbox"/> 950 Constitutionality of State
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 550 Civil Rights			<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 290 All Other Real Property					

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- 1 Original Proceeding 2 Removal from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from another district (specify) 6 Multidistrict Litigation 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

 CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: YES NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 5/29/2008

SIGNATURE OF ATTORNEY OF RECORD

R. Muller